

As Introduced

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

H. B. No. 119

Representative Dolan

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A BILL

To amend sections 9.24, 9.30, 9.821, 9.822, 9.823, 1
9.83, 107.40, 109.572, 109.93, 111.18, 118.01, 2
118.08, 118.17, 118.20, 118.23, 119.07, 120.33, 3
122.011, 122.17, 122.171, 122.602, 123.10, 123.17, 4
124.152, 125.01, 125.02, 125.021, 125.022, 5
125.023, 125.04, 125.041, 125.05, 125.06, 125.07, 6
125.071, 125.072, 125.073, 125.08, 125.081, 7
125.082, 125.09, 125.10, 125.11, 125.15, 125.25, 8
125.45, 125.93, 125.96, 125.97, 125.98, 126.07, 9
126.08, 126.21, 126.22, 127.14, 127.16, 131.44, 10
133.01, 133.10, 133.25, 135.35, 135.352, 151.08, 11
151.40, 152.31, 156.02, 164.03, 164.05, 164.051, 12
164.08, 164.09, 166.08, 173.04, 173.35, 173.85, 13
173.86, 176.05, 183.01, 183.021, 183.17, 183.33, 14
183.34, 183.35, 307.021, 307.695, 307.6910, 15
307.98, 307.981, 308.04, 317.08, 319.202, 319.54, 16
321.08, 322.01, 323.151, 323.152, 323.153, 17
323.154, 325.31, 329.04, 329.05, 329.051, 329.14, 18
340.03, 709.191, 718.051, 742.301, 1306.20, 19
1306.21, 1347.06, 1503.05, 1504.02, 1505.07, 20
1506.01, 1506.99, 1521.01, 1521.20, 1521.21, 21
1521.22, 1521.23, 1521.24, 1521.25, 1521.26, 22
1521.27, 1521.28, 1521.29, 1521.99, 1531.06, 23
1531.35, 1548.06, 1555.08, 1557.03, 1751.60, 24
2151.43, 2151.49, 2305.234, 2744.05, 2913.40, 25

2921.42, 2927.023, 2951.02, 3111.04, 3113.06,	26
3113.07, 3119.022, 3119.023, 3119.27, 3119.29,	27
3119.30, 3119.54, 3125.12, 3301.0711, 3301.0714,	28
3301.311, 3301.53, 3302.03, 3302.10, 3310.41,	29
3313.41, 3313.615, 3313.646, 3313.66, 3313.661,	30
3313.98, 3314.013, 3314.014, 3314.015, 3314.02,	31
3314.021, 3314.024, 3314.03, 3314.04, 3314.074,	32
3314.08, 3314.21, 3314.27, 3317.01, 3317.012,	33
3317.013, 3317.014, 3317.015, 3317.016, 3317.017,	34
3317.02, 3317.021, 3317.022, 3317.023, 3317.024,	35
3317.025, 3317.026, 3317.027, 3317.028, 3317.029,	36
3317.0216, 3317.0217, 3317.03, 3317.04, 3317.05,	37
3317.06, 3317.08, 3317.14, 3317.16, 3317.20,	38
3317.201, 3318.08, 3318.15, 3318.26, 3319.081,	39
3319.089, 3319.17, 3319.55, 3321.01, 3323.11,	40
3333.04, 3333.122, 3333.27, 3333.38, 3345.51,	41
3353.02, 3365.01, 3375.05, 3375.121, 3375.40,	42
3375.85, 3381.04, 3503.10, 3701.741, 3702.52,	43
3702.5211, 3702.5212, 3702.5213, 3702.57, 3702.68,	44
3702.74, 3704.03, 3704.14, 3705.24, 3721.51,	45
3721.541, 3721.56, 3734.57, 3735.672, 3745.11,	46
3746.04, 3769.087, 3770.03, 3770.06, 3773.35,	47
3773.36, 3901.021, 3901.86, 4115.04, 4117.01,	48
4123.27, 4123.35, 4141.09, 4301.43, 4503.06,	49
4503.061, 4503.064, 4503.065, 4503.066, 4503.067,	50
4503.10, 4503.35, 4505.06, 4513.263, 4519.55,	51
4717.07, 4723.621, 4723.63, 4723.64, 4723.65,	52
4723.651, 4723.66, 4731.65, 4731.71, 4743.05,	53
4755.03, 4766.05, 4775.08, 4921.40, 5101.16,	54
5101.162, 5101.17, 5101.181, 5101.182, 5101.184,	55
5101.21, 5101.211, 5101.212, 5101.213, 5101.24,	56
5101.242, 5101.244, 5101.26, 5101.28, 5101.31,	57
5101.35, 5101.36, 5101.51, 5101.54, 5101.571,	58

5101.572, 5101.58, 5101.59, 5101.802, 5101.97,	59
5101.98, 5104.30, 5107.01, 5107.02, 5107.03,	60
5107.05, 5107.10, 5107.12, 5107.14, 5107.16,	61
5107.161, 5107.162, 5107.17, 5107.281, 5107.30,	62
5107.36, 5107.41, 5107.42, 5107.44, 5107.52,	63
5107.54, 5107.541, 5107.61, 5107.65, 5107.66,	64
5107.67, 5107.68, 5107.69, 5107.70, 5111.01,	65
5111.014, 5111.016, 5111.019, 5111.0112, 5111.023,	66
5111.03, 5111.06, 5111.10, 5111.101, 5111.163,	67
5111.17, 5111.20, 5111.871, 5111.8814, 5111.915,	68
5111.941, 5111.95, 5111.96, 5112.03, 5112.08,	69
5112.341, 5115.12, 5117.10, 5119.611, 5120.03,	70
5123.01, 5123.043, 5123.045, 5123.051, 5123.19,	71
5123.196, 5123.198, 5123.20, 5123.211, 5123.38,	72
5123.41, 5123.51, 5123.99, 5126.038, 5126.042,	73
5126.046, 5126.055, 5126.057, 5126.06, 5126.11,	74
5126.12, 5126.15, 5126.18, 5126.19, 5126.25,	75
5126.40, 5126.42, 5126.43, 5126.45, 5126.47,	76
5139.27, 5139.271, 5139.43, 5528.54, 5531.10,	77
5703.57, 5703.80, 5705.28, 5705.281, 5705.29,	78
5705.30, 5705.31, 5705.32, 5705.321, 5705.37,	79
5709.68, 5709.882, 5713.34, 5715.36, 5719.041,	80
5725.151, 5725.24, 5727.45, 5727.84, 5727.85,	81
5727.87, 5733.12, 5739.02, 5739.033, 5739.12,	82
5739.21, 5741.02, 5741.03, 5743.01, 5743.20,	83
5745.02, 5745.05, 5745.13, 5747.03, 5747.122,	84
5747.46, 5747.47, 5747.48, 5747.50, 5747.501,	85
5747.51, 5747.52, 5747.53, 5747.54, 5747.55,	86
5748.01, 5748.02, 5751.20, 5751.21, 5751.23,	87
5907.15, 6109.21, 6121.04, and 6121.043; to amend,	88
for the purpose of adopting new section numbers as	89
indicated in parentheses, sections 1521.20	90
(1506.38), 1521.21 (1506.39), 1521.22 (1506.40),	91

1521.23 (1506.41), 1521.24 (1506.42), 1521.25	92
(1506.43), 1521.26 (1506.44), 1521.27 (1506.45),	93
1521.28 (1506.46), 1521.29 (1506.47), 1521.30	94
(1506.48), 3702.63 (3702.591), 3702.68 (3702.59),	95
5107.44 (5107.60), 5107.52 (5107.46), 5107.54	96
(5107.58), 5107.541 (5107.47), 5107.61 (5107.48),	97
5107.65 (5107.50), 5107.66 (5107.44), 5107.67	98
(5107.54), 5107.68 (5107.56), 5107.69 (5107.61),	99
5111.95 (5111.033), and 5111.96 (5111.034); to	100
enact new sections 5107.40, 5107.52, and 5123.16	101
and sections 122.014, 122.051, 122.071, 122.076,	102
122.174, 125.011, 126.17, 126.18, 126.19, 126.24,	103
126.40, 131.51, 183.51, 183.52, 901.261, 3123.23,	104
3301.162, 3314.027, 3314.19, 3318.47, 3333.50,	105
3345.02, 4703.071, 4923.26, 5101.541, 5101.573,	106
5101.574, 5101.575, 5101.591, 5107.04, 5107.45,	107
5111.0119, 5111.028, 5111.031, 5111.032, 5111.102,	108
5111.861, 5114.01, 5114.02, 5114.03, 5114.04,	109
5114.05, 5123.033, 5123.0414, 5123.0415, 5123.161,	110
5123.162, 5123.163, 5123.164, 5123.165, 5123.166,	111
5123.167, 5123.168, 5123.169, 5123.605, 5739.029,	112
5739.213, 5748.022, 5907.16, and 6111.0381; to	113
repeal sections 125.18, 125.30, 125.95, 183.02,	114
183.27, 183.32, 3310.01, 3310.02, 3310.03,	115
3310.04, 3310.05, 3310.06, 3310.07, 3310.08,	116
3310.09, 3310.10, 3310.11, 3310.12, 3310.13,	117
3310.14, 3310.17, 3314.051, 3318.47, 3318.48,	118
3318.49, 3319.0810, 3333.29, 3702.68, 4911.021,	119
5101.213, 5107.40, 5107.43, 5107.50, 5107.58,	120
5107.60, 5107.62, 5107.64, 5111.161, 5123.16,	121
5123.182, 5123.199, 5126.035, 5126.036, 5126.053,	122
5126.431, 5126.44, 5126.451, 5743.331, 5747.61,	123
5747.62, and 5747.63 of the Revised Code; to amend	124

Section 611.03 of Am. Sub. H.B. 66 of the 126th 125
General Assembly, to amend Sections 227.10, 126
235.20.20, 235.30.70, and 329.10 of Am. Sub. H.B. 127
699 of the 126th General Assembly, to amend 128
Section 235.30 of Am. Sub. H.B. 530 of the 126th 129
General Assembly, as subsequently amended, to 130
amend Section 4 of Am. Sub. H.B. 516 of the 125th 131
General Assembly, as subsequently amended, to 132
amend Section 153 of Am. Sub. H.B. 117 of the 133
121st General Assembly, as subsequently amended, 134
and to amend the version of section 127.16 of the 135
Revised Code that is scheduled to take effect July 136
1, 2007, to repeal the version of section 3702.68 137
of the Revised Code that was to have taken effect 138
July 1, 2007, to make operating appropriations for 139
the biennium beginning July 1, 2007, and ending 140
June 30, 2009, and to provide authorization and 141
conditions for the operation of state programs. 142

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

Section 101.01. That sections 9.24, 9.30, 9.821, 9.822, 143
9.823, 9.83, 107.40, 109.572, 109.93, 111.18, 118.01, 118.08, 144
118.17, 118.20, 118.23, 119.07, 120.33, 122.011, 122.17, 122.171, 145
122.602, 123.10, 123.17, 124.152, 125.01, 125.02, 125.021, 146
125.022, 125.023, 125.04, 125.041, 125.05, 125.06, 125.07, 147
125.071, 125.072, 125.073, 125.08, 125.081, 125.082, 125.09, 148
125.10, 125.11, 125.15, 125.25, 125.45, 125.93, 125.96, 125.97, 149
125.98, 126.07, 126.08, 126.21, 126.22, 127.14, 127.16, 131.44, 150
133.01, 133.10, 133.25, 135.35, 135.352, 151.08, 151.40, 152.31, 151
156.02, 164.03, 164.05, 164.051, 164.08, 164.09, 166.08, 173.04, 152
173.35, 173.85, 173.86, 176.05, 183.01, 183.021, 183.17, 183.33, 153
183.34, 183.35, 307.021, 307.695, 307.6910, 307.98, 307.981, 154

308.04, 317.08, 319.202, 319.54, 321.08, 322.01, 323.151, 323.152, 155
323.153, 323.154, 325.31, 329.04, 329.05, 329.051, 329.14, 340.03, 156
709.191, 718.051, 742.301, 1306.20, 1306.21, 1347.06, 1503.05, 157
1504.02, 1505.07, 1506.01, 1506.99, 1521.01, 1521.20, 1521.21, 158
1521.22, 1521.23, 1521.24, 1521.25, 1521.26, 1521.27, 1521.28, 159
1521.29, 1521.99, 1531.06, 1531.35, 1548.06, 1555.08, 1557.03, 160
1751.60, 2151.43, 2151.49, 2305.234, 2744.05, 2913.40, 2921.42, 161
2927.023, 2951.02, 3111.04, 3113.06, 3113.07, 3119.022, 3119.023, 162
3119.27, 3119.29, 3119.30, 3119.54, 3125.12, 3301.0711, 3301.0714, 163
3301.311, 3301.53, 3302.03, 3302.10, 3310.41, 3313.41, 3313.615, 164
3313.646, 3313.66, 3313.661, 3313.98, 3314.013, 3314.014, 165
3314.015, 3314.02, 3314.021, 3314.024, 3314.03, 3314.04, 3314.074, 166
3314.08, 3314.21, 3314.27, 3317.01, 3317.012, 3317.013, 3317.014, 167
3317.015, 3317.016, 3317.017, 3317.02, 3317.021, 3317.022, 168
3317.023, 3317.024, 3317.025, 3317.026, 3317.027, 3317.028, 169
3317.029, 3317.0216, 3317.0217, 3317.03, 3317.04, 3317.05, 170
3317.06, 3317.08, 3317.14, 3317.16, 3317.20, 3317.201, 3318.08, 171
3318.15, 3318.26, 3319.081, 3319.089, 3319.17, 3319.55, 3321.01, 172
3323.11, 3333.04, 3333.122, 3333.27, 3333.38, 3345.51, 3353.02, 173
3365.01, 3375.05, 3375.121, 3375.40, 3375.85, 3381.04, 3503.10, 174
3701.741, 3702.52, 3702.5211, 3702.5212, 3702.5213, 3702.57, 175
3702.68, 3702.74, 3704.03, 3704.14, 3705.24, 3721.51, 3721.541, 176
3721.56, 3734.57, 3735.672, 3745.11, 3746.04, 3769.087, 3770.03, 177
3770.06, 3773.35, 3773.36, 3901.021, 3901.86, 4115.04, 4117.01, 178
4123.27, 4123.35, 4141.09, 4301.43, 4503.06, 4503.061, 4503.064, 179
4503.065, 4503.066, 4503.067, 4503.10, 4503.35, 4505.06, 4513.263, 180
4519.55, 4717.07, 4723.621, 4723.63, 4723.64, 4723.65, 4723.651, 181
4723.66, 4731.65, 4731.71, 4743.05, 4755.03, 4766.05, 4775.08, 182
4921.40, 5101.16, 5101.162, 5101.17, 5101.181, 5101.182, 5101.184, 183
5101.21, 5101.211, 5101.212, 5101.213, 5101.24, 5101.242, 184
5101.244, 5101.26, 5101.28, 5101.31, 5101.35, 5101.36, 5101.51, 185
5101.54, 5101.571, 5101.572, 5101.58, 5101.59, 5101.802, 5101.97, 186

5101.98, 5104.30, 5107.01, 5107.02, 5107.03, 5107.05, 5107.10, 187
5107.12, 5107.14, 5107.16, 5107.161, 5107.162, 5107.17, 5107.281, 188
5107.30, 5107.36, 5107.41, 5107.42, 5107.44, 5107.52, 5107.54, 189
5107.541, 5107.61, 5107.65, 5107.66, 5107.67, 5107.68, 5107.69, 190
5107.70, 5111.01, 5111.014, 5111.016, 5111.019, 5111.0112, 191
5111.023, 5111.03, 5111.06, 5111.10, 5111.101, 5111.163, 5111.17, 192
5111.20, 5111.871, 5111.8814, 5111.915, 5111.941, 5111.95, 193
5111.96, 5112.03, 5112.08, 5112.341, 5115.12, 5117.10, 5119.611, 194
5120.03, 5123.01, 5123.043, 5123.045, 5123.051, 5123.19, 5123.196, 195
5123.198, 5123.20, 5123.211, 5123.38, 5123.41, 5123.51, 5123.99, 196
5126.038, 5126.042, 5126.046, 5126.055, 5126.057, 5126.06, 197
5126.11, 5126.12, 5126.15, 5126.18, 5126.19, 5126.25, 5126.40, 198
5126.42, 5126.43, 5126.45, 5126.47, 5139.27, 5139.271, 5139.43, 199
5528.54, 5531.10, 5703.57, 5703.80, 5705.28, 5705.281, 5705.29, 200
5705.30, 5705.31, 5705.32, 5705.321, 5705.37, 5709.68, 5709.882, 201
5713.34, 5715.36, 5719.041, 5725.151, 5725.24, 5727.45, 5727.84, 202
5727.85, 5727.87, 5733.12, 5739.02, 5739.033, 5739.12, 5739.21, 203
5741.02, 5741.03, 5743.01, 5743.20, 5745.02, 5745.05, 5745.13, 204
5747.03, 5747.122, 5747.46, 5747.47, 5747.48, 5747.50, 5747.501, 205
5747.51, 5747.52, 5747.53, 5747.54, 5747.55, 5748.01, 5748.02, 206
5751.20, 5751.21, 5751.23, 5907.15, 6109.21, 6121.04, and 6121.043 207
be amended; sections 1521.20 (1506.38), 1521.21 (1506.39), 1521.22 208
(1506.40), 1521.23 (1506.41), 1521.24 (1506.42), 1521.25 209
(1506.43), 1521.26 (1506.44), 1521.27 (1506.45), 1521.28 210
(1506.46), 1521.29 (1506.47), 1521.30 (1506.48), 3702.63 211
(3702.591), 3702.68 (3702.59), 5107.44 (5107.60), 5107.52 212
(5107.46), 5107.54 (5107.58), 5107.541 (5107.47), 5107.61 213
(5107.48), 5107.65 (5107.50), 5107.66 (5107.44), 5107.67 214
(5107.54), 5107.68 (5107.56), 5107.69 (5107.61), 5111.95 215
(5111.033), and 5111.96 (5111.034) be amended for the purpose of 216
adopting new section numbers as indicated in parentheses; and new 217
sections 5107.40, 5107.52, and 5123.16 and sections 122.014, 218

122.051, 122.071, 122.076, 122.174, 125.011, 126.17, 126.18, 219
126.19, 126.24, 126.40, 131.51, 183.51, 183.52, 901.261, 3123.23, 220
3301.162, 3314.027, 3314.19, 3318.47, 3333.50, 3345.02, 4703.071, 221
4923.26, 5101.541, 5101.573, 5101.574, 5101.575, 5101.591, 222
5107.04, 5107.45, 5111.0119, 5111.028, 5111.031, 5111.032, 223
5111.102, 5111.861, 5114.01, 5114.02, 5114.03, 5114.04, 5114.05, 224
5123.033, 5123.0414, 5123.0415, 5123.161, 5123.162, 5123.163, 225
5123.164, 5123.165, 5123.166, 5123.167, 5123.168, 5123.169, 226
5123.605, 5739.029, 5739.213, 5748.022, 5907.16, and 6111.0381 of 227
the Revised Code be enacted to read as follows: 228

Sec. 9.24. (A) Except as may be allowed under division (F) of 229
this section, no state agency and no political subdivision shall 230
award a contract as described in division (G)(1) of this section 231
for goods, services, or construction, paid for in whole or in part 232
with state funds, to a person against whom a finding for recovery 233
has been issued by the auditor of state on and after January 1, 234
2001, if the finding for recovery is unresolved. 235

A contract is considered to be awarded when it is entered 236
into or executed, irrespective of whether the parties to the 237
contract have exchanged any money. 238

(B) For purposes of this section, a finding for recovery is 239
unresolved unless one of the following criteria applies: 240

(1) The money identified in the finding for recovery is paid 241
in full to the state agency or political subdivision to whom the 242
money was owed; 243

(2) The debtor has entered into a repayment plan that is 244
approved by the attorney general and the state agency or political 245
subdivision to whom the money identified in the finding for 246
recovery is owed. A repayment plan may include a provision 247
permitting a state agency or political subdivision to withhold 248

payment to a debtor for goods, services, or construction provided 249
to or for the state agency or political subdivision pursuant to a 250
contract that is entered into with the debtor after the date the 251
finding for recovery was issued. 252

(3) The attorney general waives a repayment plan described in 253
division (B)(2) of this section for good cause; 254

(4) The debtor and state agency or political subdivision to 255
whom the money identified in the finding for recovery is owed have 256
agreed to a payment plan established through an enforceable 257
settlement agreement. 258

(5) The state agency or political subdivision desiring to 259
enter into a contract with a debtor certifies, and the attorney 260
general concurs, that all of the following are true: 261

(a) Essential services the state agency or political 262
subdivision is seeking to obtain from the debtor cannot be 263
provided by any other person besides the debtor; 264

(b) Awarding a contract to the debtor for the essential 265
services described in division (B)(5)(a) of this section is in the 266
best interest of the state; 267

(c) Good faith efforts have been made to collect the money 268
identified in the finding of recovery. 269

(6) The debtor has commenced an action to contest the finding 270
for recovery and a final determination on the action has not yet 271
been reached. 272

(C) The attorney general shall submit an initial report to 273
the auditor of state, not later than December 1, 2003, indicating 274
the status of collection for all findings for recovery issued by 275
the auditor of state for calendar years 2001, 2002, and 2003. 276
Beginning on January 1, 2004, the attorney general shall submit to 277
the auditor of state, on the first day of every January, April, 278

July, and October, a list of all findings for recovery that have 279
been resolved in accordance with division (B) of this section 280
during the calendar quarter preceding the submission of the list 281
and a description of the means of resolution. The attorney general 282
shall notify the auditor of state when a judgment is issued 283
against an entity described in division (F)(1) of this section. 284

(D) The auditor of state shall maintain a database, 285
accessible to the public, listing persons against whom an 286
unresolved finding for recovery has been issued, and the amount of 287
the money identified in the unresolved finding for recovery. The 288
auditor of state shall have this database operational on or before 289
January 1, 2004. The initial database shall contain the 290
information required under this division for calendar years 2001, 291
2002, and 2003. 292

Beginning January 15, 2004, the auditor of state shall update 293
the database by the fifteenth day of every January, April, July, 294
and October to reflect resolved findings for recovery that are 295
reported to the auditor of state by the attorney general on the 296
first day of the same month pursuant to division (C) of this 297
section. 298

(E) Before awarding a contract as described in division 299
(G)(1) of this section for goods, services, or construction, paid 300
for in whole or in part with state funds, a state agency or 301
political subdivision shall verify that the person to whom the 302
state agency or political subdivision plans to award the contract 303
has no unresolved finding for recovery issued against the person. 304
A state agency or political subdivision shall verify that the 305
person does not appear in the database described in division (D) 306
of this section or shall obtain other proof that the person has no 307
unresolved finding for recovery issued against the person. 308

(F) The prohibition of division (A) of this section and the 309
requirement of division (E) of this section do not apply with 310

respect to the companies or agreements described in divisions 311
(F)(1) and (2) of this section, or in the circumstance described 312
in division (F)(3) of this section. 313

(1) A bonding company or a company authorized to transact the 314
business of insurance in this state, a self-insurance pool, joint 315
self-insurance pool, risk management program, or joint risk 316
management program, unless a court has entered a final judgment 317
against the company and the company has not yet satisfied the 318
final judgment. 319

(2) To medicaid provider agreements under Chapter 5111. of 320
the Revised Code, provider agreements under the nonfederal medical 321
assistance program established under Chapter 5114. of the Revised 322
Code, or payments or provider agreements under disability 323
~~assistance~~ medical assistance established under Chapter 5115. of 324
the Revised Code. 325

(3) When federal law dictates that a specified entity provide 326
the goods, services, or construction for which a contract is being 327
awarded, regardless of whether that entity would otherwise be 328
prohibited from entering into the contract pursuant to this 329
section. 330

(G)(1) This section applies only to contracts for goods, 331
services, or construction that satisfy the criteria in either 332
division (G)(1)(a) or (b) of this section. This section may apply 333
to contracts for goods, services, or construction that satisfy the 334
criteria in division (G)(1)(c) of this section, provided that the 335
contracts also satisfy the criteria in either division (G)(1)(a) 336
or (b) of this section. 337

(a) The cost for the goods, services, or construction 338
provided under the contract is estimated to exceed twenty-five 339
thousand dollars. 340

(b) The aggregate cost for the goods, services, or 341

construction provided under multiple contracts entered into by the 342
particular state agency and a single person or the particular 343
political subdivision and a single person within the fiscal year 344
preceding the fiscal year within which a contract is being entered 345
into by that same state agency and the same single person or the 346
same political subdivision and the same single person, exceeded 347
fifty thousand dollars. 348

(c) The contract is a renewal of a contract previously 349
entered into and renewed pursuant to that preceding contract. 350

(2) This section does not apply to employment contracts. 351

(H) As used in this section: 352

(1) "State agency" has the same meaning as in section 9.66 of 353
the Revised Code. 354

(2) "Political subdivision" means a political subdivision as 355
defined in section 9.82 of the Revised Code that has received more 356
than fifty thousand dollars of state money in the current fiscal 357
year or the preceding fiscal year. 358

(3) "Finding for recovery" means a determination issued by 359
the auditor of state, contained in a report the auditor of state 360
gives to the attorney general pursuant to section 117.28 of the 361
Revised Code, that public money has been illegally expended, 362
public money has been collected but not been accounted for, public 363
money is due but has not been collected, or public property has 364
been converted or misappropriated. 365

(4) "Debtor" means a person against whom a finding for 366
recovery has been issued. 367

(5) "Person" means the person named in the finding for 368
recovery. 369

(6) "State money" does not include funds the state receives 370
from another source and passes through to a political subdivision. 371

Sec. 9.30. The appropriate public officer of the state, 372
county, municipal corporation, township, school, or other public 373
body or institution, may acquire the service, product, or 374
commodity of a public utility at the schedule of rates and charges 375
applicable to such service, product, or commodity on file with the 376
public utilities commission, or the applicable charge established 377
by a utility operating its property not for profit, at any 378
location where such public utility service, product, or commodity 379
is not available, from alternate public utilities, without the 380
necessity of advertising to obtain bids, and without notice, 381
irrespective of the amount of money involved. Nothing in this 382
section supersedes sections 125.01 to 125.15 of the Revised Code 383
for the acquisition of telecommunication utility services by state 384
agencies. 385

Sec. 9.821. (A) The department of administrative services 386
shall direct and manage for state agencies all risk management and 387
insurance programs authorized under section 9.822 of the Revised 388
Code. 389

(B) The office of risk management is hereby established 390
within the department of administrative services. The director of 391
administrative services, or a deputy director appointed by the 392
director, shall control and supervise the office. 393

(C) The office may take any of the following actions that it 394
determines to be in the best interests of the state: 395

(1) Provide all insurance coverages for the state, including, 396
but not limited to, automobile liability, casualty, property, 397
public liability, and, ~~except as provided in division (C)(6) of~~ 398
~~this section,~~ fidelity bond insurance bonding. The cost of 399
insurance coverage shall be paid from appropriations made to the 400
state agencies that the office has designated to receive the 401

coverage.	402
(2) Provide coverage of legal expenses that are necessary and related to the legal defense of claims against the state;	403 404
(3) Purchase insurance policies consistent with sections 125.01 to 125.111 of the Revised Code, develop and administer self-insurance programs, or do both;	405 406 407
(4) Consolidate and combine state insurance coverages;	408
(5) Provide technical services in risk management and insurance to state agencies;	409 410
(6)(a) Establish and administer a self-insured fidelity bond program for a particular class or subclass of state officer, employee, or agent, if, prior to the establishment and administration of this program, the director does both of the following:	411 412 413 414 415
(i) Holds a hearing in accordance with Chapter 119. of the Revised Code to determine whether fidelity bond insurance for that particular class or subclass of state officer, employee, or agent is available in the voluntary market;	416 417 418 419
(ii) If, as a result of that hearing, the director determines that fidelity bond insurance for a particular class or subclass of state officer, employee, or agent is unavailable in the voluntary market and that the absence of this insurance threatens the operation of state government and will be detrimental to the general welfare of the citizens of this state, adopts rules in accordance with Chapter 119. of the Revised Code to establish standards and procedures governing the establishment, administration, and termination of the fidelity bond program for that particular class or subclass of state officer, employee, or agent.	420 421 422 423 424 425 426 427 428 429 430
(b) Division (C)(6)(a) of this section does not apply to any	431

~~self-insured blanket fidelity bond program that, on September 20,~~ 432
~~1993, has been established pursuant to section 9.831 of the~~ 433
~~Revised Code.~~ 434

~~(7) Except as provided in division (C)(6) of this section,~~ 435
~~adopt~~ Adopt and publish, in accordance with section 111.15 of the 436
Revised Code, necessary rules and procedures governing the 437
administration of the state's insurance and risk management 438
activities. 439

(D) No state agency, except a state agency exempted under 440
section 125.02 or 125.04 of the Revised Code from the department's 441
purchasing authority, shall purchase any insurance described in 442
this section except as authorized by the department, when the 443
office of risk management determines that the purchase is in the 444
best interest of the state pursuant to division (C)(1) of this 445
section, and in accordance with terms, conditions, and procurement 446
methods established by the department. 447

(E) With respect to any civil action, demand, or claim 448
against the state that could be filed in the court of claims, 449
nothing in sections 9.82 to 9.823 of the Revised Code shall be 450
interpreted to permit the settlement or compromise of those civil 451
actions, demands, or claims, except in the manner provided in 452
Chapter 2743. of the Revised Code. 453

Sec. 9.822. (A) The department of administrative services 454
through the office of risk management shall establish an insurance 455
plan or plans that may provide for self-insurance or the purchase 456
of insurance, or both, for any of the following purposes: 457

(1) Insuring state real and personal property against losses 458
occasioned by fire, windstorm, or other accidents and perils; 459

(2) Insuring the state and its officers and employees against 460
liability resulting from any civil action, demand, or claim 461

against the state or its officers and employees arising out of any 462
act or omission of an officer or employee in the performance of 463
official duties, except acts and omissions for which 464
indemnification is prohibited under section 9.87 of the Revised 465
Code; 466

(3) Insuring the state through the fidelity bonding of state 467
officers, employees, and agents who are required by law to provide 468
a fidelity bond. 469

~~(B)(1) Prior to the establishment of any self-insured 470
fidelity bond program for a particular class or subclass of state 471
officer, employee, or agent authorized pursuant to division (A)(3) 472
of this section, the director of administrative services shall 473
follow the procedures for holding a hearing and adopting rules set 474
forth in division (C)(6)(a) of section 9.821 of the Revised Code. 475~~

~~(2) Division (B)(1) of this section does not apply to any 476
self-insured blanket fidelity bond program that, on September 20, 477
1993, has been established pursuant to section 9.831 of the 478
Revised Code. 479~~

~~(3) The director shall prepare annually a written report 480
detailing any self-insured fidelity bond program established 481
pursuant to division (A)(3) of this section. The report shall 482
include, but is not limited to, information relating to premiums 483
collected, income from recovery, loss experience, and 484
administrative costs of the program. A copy of the report, 485
together with a copy of those portions of the most recent reports 486
submitted under division (D) of section 9.823 of the Revised Code 487
that pertain to any such self-insured fidelity bond program, shall 488
be submitted to the speaker of the house of representatives and 489
the president of the senate by the last day of March of each year. 490~~

Sec. 9.823. (A) All contributions collected by the director 491
of administrative services under division (E) of this section 492

shall be deposited into the state treasury to the credit of the 493
risk management reserve fund, which is hereby created. The fund 494
shall be used to provide insurance and self-insurance for the 495
state under ~~section~~ sections 9.822 and 9.83 of the Revised Code. 496
All investment earnings of the fund shall be credited to it. 497

(B) The director, through the office of risk management, 498
shall operate the risk management reserve fund on an actuarially 499
sound basis. 500

(C) Reserves shall be maintained in the risk management 501
reserve fund in any amount that is necessary and adequate, in the 502
exercise of sound and prudent actuarial judgment, to cover 503
potential liability claims, expenses, fees, or damages. Money in 504
the fund may be applied to the payment of liability claims that 505
are filed against the state in the court of claims and determined 506
in the manner provided for under Chapter 2743. of the Revised 507
Code. The director may procure the services of a qualified 508
actuarial firm for the purpose of recommending the specific amount 509
of money that would be required to maintain adequate reserves for 510
a given period of time. 511

(D) A report of the amounts reserved and disbursements made 512
from the reserves, together with a written report of a competent 513
property and casualty actuary, shall be submitted, on or before 514
the last day of March for the preceding calendar year, to the 515
speaker of the house of representatives and the president of the 516
senate. The actuary shall certify the adequacy of the rates of 517
contributions, the sufficiency of excess insurance, and whether 518
the amounts reserved conform to the requirements of this section, 519
are computed in accordance with accepted loss reserving standards, 520
and are fairly stated in accordance with sound loss reserving 521
principles. The report shall include disbursements made for the 522
administration of the fund, including claims paid, cost of legal 523
representation of state agencies and employees, and fees paid to 524

consultants. 525

(E) The director shall collect from each state agency or any 526
participating state body its contribution to the risk management 527
reserve fund for the purpose of purchasing insurance or 528
administering self-insurance programs for coverages authorized 529
under ~~section~~ sections 9.822 and 9.83 of the Revised Code. The 530
contribution shall be determined by the director, with the 531
approval of the director of budget and management, and shall be 532
based upon actuarial assumptions and the relative risk and loss 533
experience of each state agency or participating state body. The 534
contribution shall further include a reasonable sum to cover the 535
department's administrative costs. 536

Sec. 9.83. (A) The state and any political subdivision may 537
procure a policy or policies of insurance insuring its officers 538
and employees against liability for injury, death, or loss to 539
person or property that arises out of the operation of an 540
automobile, truck, motor vehicle with auxiliary equipment, 541
self-propelling equipment or trailer, aircraft, or watercraft by 542
the officers or employees while engaged in the course of their 543
employment or official responsibilities for the state or the 544
political subdivision. The state is authorized to expend funds to 545
pay judgments that are rendered in any court against its officers 546
or employees and that result from such operation, and is 547
authorized to expend funds to compromise claims for liability 548
against its officers or employees that result from such operation. 549
No insurer shall deny coverage under such a policy, and the state 550
shall not refuse to pay judgments or compromise claims, on the 551
ground that an automobile, truck, motor vehicle with auxiliary 552
equipment, self-propelling equipment or trailer, aircraft, or 553
watercraft was not being used in the course of an officer's or 554
employee's employment or official responsibilities for the state 555
or a political subdivision unless the officer or employee who was 556

operating an automobile, truck, motor vehicle with auxiliary 557
equipment, or self-propelling equipment or trailer is convicted of 558
a violation of section 124.71 of the Revised Code as a result of 559
the same events. 560

(B) Funds shall be reserved as necessary, in the exercise of 561
sound and prudent actuarial judgment, to cover potential expense, 562
fees, damage, loss, or other liability. The ~~superintendent of~~ 563
~~insurance~~ office of risk management may recommend or, if the state 564
requests of the ~~superintendent~~ office of risk management, shall 565
recommend, a specific amount for any period of time that, in the 566
~~superintendent's~~ opinion of the office of risk management, 567
represents such a judgment. 568

(C) Nothing in this section shall be construed to require the 569
department of administrative services to purchase liability 570
insurance for all state vehicles in a single policy of insurance 571
or to cover all state vehicles under a single plan of 572
self-insurance. 573

(D) Insurance procured by the state pursuant to this section 574
shall be procured as provided in section 125.03 of the Revised 575
Code. 576

(E) For purposes of liability insurance procured under this 577
section to cover the operation of a motor vehicle by a prisoner 578
for whom the insurance is procured, "employee" includes a prisoner 579
in the custody of the department of rehabilitation and correction 580
who is enrolled in a work program that is established by the 581
department pursuant to section 5145.16 of the Revised Code and in 582
which the prisoner is required to operate a motor vehicle, as 583
defined in section 4509.01 of the Revised Code, and who is engaged 584
in the operation of a motor vehicle in the course of the work 585
program. 586

(F) ~~There is hereby created in the state treasury the vehicle~~ 587

~~liability fund.~~ All contributions collected by the director of 588
administrative services under division (I) of this section shall 589
be deposited into the ~~fund.~~ ~~The fund shall be used to provide~~ 590
~~insurance and self insurance for the state under this section.~~ All 591
~~investment earnings of the fund shall be credited to it~~ risk 592
management reserve fund created in section 9.823 of the Revised 593
Code to the credit of the vehicle liability program. 594

~~(G) The director of administrative services, through the~~ 595
~~office of risk management, shall operate the vehicle liability~~ 596
~~fund on an actuarially sound basis.~~ 597

~~(H)~~ Reserves shall be maintained in the ~~vehicle liability~~ 598
risk management reserve fund to the credit of the vehicle 599
liability program in any amount that is necessary and adequate, in 600
the exercise of sound and prudent actuarial judgment, to cover 601
potential liability claims, expenses, fees, or damages. Money in 602
the fund may be applied to the payment of liability claims that 603
are filed against the state in the court of claims and determined 604
in the manner provided in Chapter 2743. of the Revised Code. The 605
director of administrative services may procure the services of a 606
qualified actuarial firm for the purpose of recommending the 607
specific amount of money that is required to maintain adequate 608
reserves for a specified period of time. 609

~~(I)~~(H) The director of administrative services shall collect 610
from each state agency or any participating state body its 611
contribution to the vehicle liability ~~fund~~ program for the purpose 612
of purchasing insurance or administering self-insurance programs 613
for coverage authorized under this section. The amount of the 614
contribution shall be determined by the director, with the 615
approval of the director of budget and management. It shall be 616
based upon actuarial assumptions and the relative risk and loss 617
experience of each state agency or participating state body. The 618
amount of the contribution also shall include a reasonable sum to 619

cover administrative costs of the department of administrative 620
services. The amounts collected pursuant to this division shall be 621
deposited in the risk management reserve fund to the credit of the 622
vehicle liability program. 623

Sec. 107.40. (A) There is hereby created the governor's 624
residence advisory commission. The commission shall provide for 625
the preservation, restoration, acquisition, and conservation of 626
all decorations, objects of art, chandeliers, china, silver, 627
statues, paintings, furnishings, accouterments, and other 628
aesthetic materials that have been acquired, donated, loaned, or 629
otherwise obtained by the state for the governor's residence and 630
that have been approved by the commission. In addition, the 631
commission shall provide for the maintenance of plants that have 632
been acquired, donated, loaned, or otherwise obtained by the state 633
for the governor's residence and that have been approved by the 634
commission. 635

(B) The commission shall be responsible for the care, 636
provision, repair, and placement of furnishings and other objects 637
and accessories of the grounds and public areas of the first story 638
of the governor's residence and for the care and placement of 639
plants on the grounds. In exercising this responsibility, the 640
commission shall preserve and seek to further establish all of the 641
following: 642

(1) The authentic ambiance and decor of the historic era 643
during which the governor's residence was constructed; 644

(2) The grounds as a representation of Ohio's natural 645
ecosystems; 646

(3) The heritage garden for all of the following purposes: 647

(a) To preserve, sustain, and encourage the use of native 648
flora throughout the state; 649

(b) To replicate the state's physiographic regions, plant communities, and natural landscapes; 650
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(c) To serve as an educational garden that demonstrates the artistic, industrial, political, horticultural, and geologic history of the state through the use of plants; 652
653
654

(d) To serve as a reservoir of rare species of plants from the physiographic regions of the state. 655
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These duties shall not affect the obligation of the department of administrative services to provide for ~~the~~ and adopt policies and procedures regarding the use, general maintenance, and operating expenses of the governor's residence. 657
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(C) The commission shall consist of eleven members. One member shall be the director of administrative services or the director's designee, who shall serve during the director's term of office and shall serve as chairperson. One member shall be the director of the Ohio historical society or the director's designee, who shall serve during the director's term of office and shall serve as vice-chairperson. One member shall represent the Columbus landmarks foundation. One member shall represent the Bexley historical society. One member shall be the mayor of the city of Bexley, who shall serve during the mayor's term of office. One member shall be the chief executive officer of the Franklin park conservatory joint recreation district, who shall serve during the term of employment as chief executive officer. The remaining five members shall be appointed by the governor with the advice and consent of the senate. The five members appointed by the governor shall be persons with knowledge of Ohio history, architecture, decorative arts, or historic preservation, and one of those members shall have knowledge of landscape architecture, garden design, horticulture, and plants native to this state. 661
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(D) Of the initial appointees, the representative of the 680

Columbus landmarks foundation shall serve for a term expiring 681
December 31, 1996, and the representative of the Bexley historical 682
society shall serve for a term expiring December 31, 1997. Of the 683
five members appointed by the governor, three shall serve for 684
terms ending December 31, 1998, and two shall serve for terms 685
ending December 31, 1999. Thereafter, each term shall be for four 686
years, commencing on the first day of January and ending on the 687
last day of December. The member having knowledge of landscape 688
architecture, garden design, horticulture, and plants native to 689
this state initially shall be appointed upon the first vacancy on 690
the commission occurring on or after June 30, 2006. 691

Each member shall hold office from the date of the member's 692
appointment until the end of the term for which the member was 693
appointed. Any member appointed to fill a vacancy occurring prior 694
to the end of the term for which the member's predecessor was 695
appointed shall hold office for the remainder of the term. Any 696
member shall continue in office subsequent to the expiration of 697
the term until the member's successor takes office. 698

(E) Six members of the commission constitute a quorum, and 699
the affirmative vote of six members is required for approval of 700
any action by the commission. 701

(F) After each initial member of the commission has been 702
appointed, the commission shall meet and select one member as 703
secretary and another as treasurer. Organizational meetings of the 704
commission shall be held at the time and place designated by call 705
of the chairperson. Meetings of the commission may be held 706
anywhere in the state and shall be in compliance with Chapters 707
121. and 149. of the Revised Code. The commission may adopt, 708
pursuant to section 111.15 of the Revised Code, rules necessary to 709
carry out the purposes of this section. 710

(G) Members of the commission shall serve without 711
remuneration, but shall be compensated for actual and necessary 712

expenses incurred in the performance of their official duties. 713

(H) All expenses incurred in carrying out this section are 714
payable solely from money accrued under this section or 715
appropriated for these purposes by the general assembly, and the 716
commission shall incur no liability or obligation beyond such 717
money. 718

(I) The commission may accept any payment for the use of the 719
governor's residence or may accept any donation, gift, bequest, or 720
devise for the governor's residence or as an endowment for the 721
maintenance and care of the garden on the grounds of the 722
governor's residence in furtherance of its duties. Any revenue 723
received by the commission shall be deposited into the governor's 724
residence fund, which is hereby established in the state treasury, 725
for use by the commission in accordance with the performance of 726
its duties. All investment earnings of the fund shall be credited 727
to the fund. Title to all property acquired by the commission 728
shall be taken in the name of the state and shall be held for the 729
use and benefit of the commission. 730

(J) Nothing in this section limits the ability of a person or 731
other entity to purchase decorations, objects of art, chandeliers, 732
china, silver, statues, paintings, furnishings, accouterments, 733
plants, or other aesthetic materials for placement in the 734
governor's residence or on the grounds of the governor's residence 735
or donation to the commission. No such object or plant, however, 736
shall be placed on the grounds or public areas of the first story 737
of the governor's residence without the consent of the commission. 738

(K) The heritage garden established under this section shall 739
be officially known as "the heritage garden at the Ohio governor's 740
residence." 741

(L) As used in this section, "heritage garden" means the 742
botanical garden of native plants established at the governor's 743

residence. 744

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 745
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 746
of the Revised Code, a completed form prescribed pursuant to 747
division (C)(1) of this section, and a set of fingerprint 748
impressions obtained in the manner described in division (C)(2) of 749
this section, the superintendent of the bureau of criminal 750
identification and investigation shall conduct a criminal records 751
check in the manner described in division (B) of this section to 752
determine whether any information exists that indicates that the 753
person who is the subject of the request previously has been 754
convicted of or pleaded guilty to any of the following: 755

(a) A violation of section 2903.01, 2903.02, 2903.03, 756
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 757
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 758
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 759
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 760
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 761
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 762
2925.06, or 3716.11 of the Revised Code, felonious sexual 763
penetration in violation of former section 2907.12 of the Revised 764
Code, a violation of section 2905.04 of the Revised Code as it 765
existed prior to July 1, 1996, a violation of section 2919.23 of 766
the Revised Code that would have been a violation of section 767
2905.04 of the Revised Code as it existed prior to July 1, 1996, 768
had the violation been committed prior to that date, or a 769
violation of section 2925.11 of the Revised Code that is not a 770
minor drug possession offense; 771

(b) A violation of an existing or former law of this state, 772
any other state, or the United States that is substantially 773
equivalent to any of the offenses listed in division (A)(1)(a) of 774

this section. 775

(2) On receipt of a request pursuant to section 5123.081 of 776
the Revised Code with respect to an applicant for employment in 777
any position with the department of mental retardation and 778
developmental disabilities, pursuant to section 5126.28 of the 779
Revised Code with respect to an applicant for employment in any 780
position with a county board of mental retardation and 781
developmental disabilities, or pursuant to section 5126.281 of the 782
Revised Code with respect to an applicant for employment in a 783
direct services position with an entity contracting with a county 784
board for employment, a completed form prescribed pursuant to 785
division (C)(1) of this section, and a set of fingerprint 786
impressions obtained in the manner described in division (C)(2) of 787
this section, the superintendent of the bureau of criminal 788
identification and investigation shall conduct a criminal records 789
check. The superintendent shall conduct the criminal records check 790
in the manner described in division (B) of this section to 791
determine whether any information exists that indicates that the 792
person who is the subject of the request has been convicted of or 793
pleaded guilty to any of the following: 794

(a) A violation of section 2903.01, 2903.02, 2903.03, 795
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 796
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 797
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 798
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 799
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 800
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 801
2925.03, or 3716.11 of the Revised Code; 802

(b) An existing or former municipal ordinance or law of this 803
state, any other state, or the United States that is substantially 804
equivalent to any of the offenses listed in division (A)(2)(a) of 805
this section. 806

(3) On receipt of a request pursuant to section 173.27, 807
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 808
completed form prescribed pursuant to division (C)(1) of this 809
section, and a set of fingerprint impressions obtained in the 810
manner described in division (C)(2) of this section, the 811
superintendent of the bureau of criminal identification and 812
investigation shall conduct a criminal records check with respect 813
to any person who has applied for employment in a position for 814
which a criminal records check is required by those sections. The 815
superintendent shall conduct the criminal records check in the 816
manner described in division (B) of this section to determine 817
whether any information exists that indicates that the person who 818
is the subject of the request previously has been convicted of or 819
pleaded guilty to any of the following: 820

(a) A violation of section 2903.01, 2903.02, 2903.03, 821
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 822
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 823
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 824
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 825
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 826
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 827
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 828
2925.22, 2925.23, or 3716.11 of the Revised Code; 829

(b) An existing or former law of this state, any other state, 830
or the United States that is substantially equivalent to any of 831
the offenses listed in division (A)(3)(a) of this section. 832

(4) On receipt of a request pursuant to section 3701.881 of 833
the Revised Code with respect to an applicant for employment with 834
a home health agency as a person responsible for the care, 835
custody, or control of a child, a completed form prescribed 836
pursuant to division (C)(1) of this section, and a set of 837
fingerprint impressions obtained in the manner described in 838

division (C)(2) of this section, the superintendent of the bureau 839
of criminal identification and investigation shall conduct a 840
criminal records check. The superintendent shall conduct the 841
criminal records check in the manner described in division (B) of 842
this section to determine whether any information exists that 843
indicates that the person who is the subject of the request 844
previously has been convicted of or pleaded guilty to any of the 845
following: 846

(a) A violation of section 2903.01, 2903.02, 2903.03, 847
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 848
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 849
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 850
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 851
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 852
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 853
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 854
violation of section 2925.11 of the Revised Code that is not a 855
minor drug possession offense; 856

(b) An existing or former law of this state, any other state, 857
or the United States that is substantially equivalent to any of 858
the offenses listed in division (A)(4)(a) of this section. 859

(5) On receipt of a request pursuant to section ~~5111.95 or~~ 860
~~5111.96~~ 5111.032, 5111.033, or 5111.034 of the Revised Code with 861
~~respect to an applicant for employment with a waiver agency~~ 862
~~participating in a department of job and family services~~ 863
~~administered home and community based waiver program or an~~ 864
~~independent provider participating in a department administered~~ 865
~~home and community based waiver program in a position that~~ 866
~~involves providing home and community based waiver services to~~ 867
~~consumers with disabilities~~, a completed form prescribed pursuant 868
to division (C)(1) of this section, and a set of fingerprint 869
impressions obtained in the manner described in division (C)(2) of 870

this section, the superintendent of the bureau of criminal 871
identification and investigation shall conduct a criminal records 872
check. The superintendent shall conduct the criminal records check 873
in the manner described in division (B) of this section to 874
determine whether any information exists that indicates that the 875
person who is the subject of the request previously has been 876
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 877
for intervention in lieu of conviction for any of the following: 878

(a) A violation of section 2903.01, 2903.02, 2903.03, 879
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 880
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 881
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 882
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 883
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 884
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 885
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 886
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 887
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 888
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 889
3716.11 of the Revised Code, felonious sexual penetration in 890
violation of former section 2907.12 of the Revised Code, a 891
violation of section 2905.04 of the Revised Code as it existed 892
prior to July 1, 1996, a violation of section 2919.23 of the 893
Revised Code that would have been a violation of section 2905.04 894
of the Revised Code as it existed prior to July 1, 1996, had the 895
violation been committed prior to that date; 896

(b) An existing or former law of this state, any other state, 897
or the United States that is substantially equivalent to any of 898
the offenses listed in division (A)(5)(a) of this section. 899

(6) On receipt of a request pursuant to section 3701.881 of 900
the Revised Code with respect to an applicant for employment with 901
a home health agency in a position that involves providing direct 902

care to an older adult, a completed form prescribed pursuant to 903
division (C)(1) of this section, and a set of fingerprint 904
impressions obtained in the manner described in division (C)(2) of 905
this section, the superintendent of the bureau of criminal 906
identification and investigation shall conduct a criminal records 907
check. The superintendent shall conduct the criminal records check 908
in the manner described in division (B) of this section to 909
determine whether any information exists that indicates that the 910
person who is the subject of the request previously has been 911
convicted of or pleaded guilty to any of the following: 912

(a) A violation of section 2903.01, 2903.02, 2903.03, 913
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 914
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 915
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 916
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 917
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 918
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 919
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 920
2925.22, 2925.23, or 3716.11 of the Revised Code; 921

(b) An existing or former law of this state, any other state, 922
or the United States that is substantially equivalent to any of 923
the offenses listed in division (A)(6)(a) of this section. 924

(7) When conducting a criminal records check upon a request 925
pursuant to section 3319.39 of the Revised Code for an applicant 926
who is a teacher, in addition to the determination made under 927
division (A)(1) of this section, the superintendent shall 928
determine whether any information exists that indicates that the 929
person who is the subject of the request previously has been 930
convicted of or pleaded guilty to any offense specified in section 931
3319.31 of the Revised Code. 932

(8) On a request pursuant to section 2151.86 of the Revised 933
Code, a completed form prescribed pursuant to division (C)(1) of 934

this section, and a set of fingerprint impressions obtained in the 935
manner described in division (C)(2) of this section, the 936
superintendent of the bureau of criminal identification and 937
investigation shall conduct a criminal records check in the manner 938
described in division (B) of this section to determine whether any 939
information exists that indicates that the person who is the 940
subject of the request previously has been convicted of or pleaded 941
guilty to any of the following: 942

(a) A violation of section 2903.01, 2903.02, 2903.03, 943
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 944
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 945
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 946
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 947
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 948
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 949
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 950
violation of section 2905.04 of the Revised Code as it existed 951
prior to July 1, 1996, a violation of section 2919.23 of the 952
Revised Code that would have been a violation of section 2905.04 953
of the Revised Code as it existed prior to July 1, 1996, had the 954
violation been committed prior to that date, a violation of 955
section 2925.11 of the Revised Code that is not a minor drug 956
possession offense, or felonious sexual penetration in violation 957
of former section 2907.12 of the Revised Code; 958

(b) A violation of an existing or former law of this state, 959
any other state, or the United States that is substantially 960
equivalent to any of the offenses listed in division (A)(8)(a) of 961
this section. 962

(9) When conducting a criminal records check on a request 963
pursuant to section 5104.013 of the Revised Code for a person who 964
is an owner, licensee, or administrator of a child day-care center 965
or type A family day-care home, an authorized provider of a 966

certified type B family day-care home, or an adult residing in a 967
type A or certified type B home, or when conducting a criminal 968
records check or a request pursuant to section 5104.012 of the 969
Revised Code for a person who is an applicant for employment in a 970
center, type A home, or certified type B home, the superintendent, 971
in addition to the determination made under division (A)(1) of 972
this section, shall determine whether any information exists that 973
indicates that the person has been convicted of or pleaded guilty 974
to any of the following: 975

(a) A violation of section 2913.02, 2913.03, 2913.04, 976
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 977
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 978
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 979
2921.13, or 2923.01 of the Revised Code, a violation of section 980
2923.02 or 2923.03 of the Revised Code that relates to a crime 981
specified in this division or division (A)(1)(a) of this section, 982
or a second violation of section 4511.19 of the Revised Code 983
within five years of the date of application for licensure or 984
certification. 985

(b) A violation of an existing or former law of this state, 986
any other state, or the United States that is substantially 987
equivalent to any of the offenses or violations described in 988
division (A)(9)(a) of this section. 989

(10) Upon receipt of a request pursuant to section 5153.111 990
of the Revised Code, a completed form prescribed pursuant to 991
division (C)(1) of this section, and a set of fingerprint 992
impressions obtained in the manner described in division (C)(2) of 993
this section, the superintendent of the bureau of criminal 994
identification and investigation shall conduct a criminal records 995
check in the manner described in division (B) of this section to 996
determine whether any information exists that indicates that the 997
person who is the subject of the request previously has been 998

convicted of or pleaded guilty to any of the following: 999

(a) A violation of section 2903.01, 2903.02, 2903.03, 1000
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1001
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1002
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1003
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1004
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1005
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1006
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1007
felonious sexual penetration in violation of former section 1008
2907.12 of the Revised Code, a violation of section 2905.04 of the 1009
Revised Code as it existed prior to July 1, 1996, a violation of 1010
section 2919.23 of the Revised Code that would have been a 1011
violation of section 2905.04 of the Revised Code as it existed 1012
prior to July 1, 1996, had the violation been committed prior to 1013
that date, or a violation of section 2925.11 of the Revised Code 1014
that is not a minor drug possession offense; 1015

(b) A violation of an existing or former law of this state, 1016
any other state, or the United States that is substantially 1017
equivalent to any of the offenses listed in division (A)(10)(a) of 1018
this section. 1019

(11) On receipt of a request for a criminal records check 1020
from an individual pursuant to section 4749.03 or 4749.06 of the 1021
Revised Code, accompanied by a completed copy of the form 1022
prescribed in division (C)(1) of this section and a set of 1023
fingerprint impressions obtained in a manner described in division 1024
(C)(2) of this section, the superintendent of the bureau of 1025
criminal identification and investigation shall conduct a criminal 1026
records check in the manner described in division (B) of this 1027
section to determine whether any information exists indicating 1028
that the person who is the subject of the request has been 1029
convicted of or pleaded guilty to a felony in this state or in any 1030

other state. If the individual indicates that a firearm will be 1031
carried in the course of business, the superintendent shall 1032
require information from the federal bureau of investigation as 1033
described in division (B)(2) of this section. The superintendent 1034
shall report the findings of the criminal records check and any 1035
information the federal bureau of investigation provides to the 1036
director of public safety. 1037

(12) On receipt of a request pursuant to section 1322.03, 1038
1322.031, or 4763.05 of the Revised Code, a completed form 1039
prescribed pursuant to division (C)(1) of this section, and a set 1040
of fingerprint impressions obtained in the manner described in 1041
division (C)(2) of this section, the superintendent of the bureau 1042
of criminal identification and investigation shall conduct a 1043
criminal records check with respect to any person who has applied 1044
for a license, permit, or certification from the department of 1045
commerce or a division in the department. The superintendent shall 1046
conduct the criminal records check in the manner described in 1047
division (B) of this section to determine whether any information 1048
exists that indicates that the person who is the subject of the 1049
request previously has been convicted of or pleaded guilty to any 1050
of the following: a violation of section 2913.02, 2913.11, 1051
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1052
criminal offense involving theft, receiving stolen property, 1053
embezzlement, forgery, fraud, passing bad checks, money 1054
laundering, or drug trafficking, or any criminal offense involving 1055
money or securities, as set forth in Chapters 2909., 2911., 2913., 1056
2915., 2921., 2923., and 2925. of the Revised Code; or any 1057
existing or former law of this state, any other state, or the 1058
United States that is substantially equivalent to those offenses. 1059

(13) Not later than thirty days after the date the 1060
superintendent receives the request, completed form, and 1061
fingerprint impressions, the superintendent shall send the person, 1062

board, or entity that made the request any information, other than 1063
information the dissemination of which is prohibited by federal 1064
law, the superintendent determines exists with respect to the 1065
person who is the subject of the request that indicates that the 1066
person previously has been convicted of or pleaded guilty to any 1067
offense listed or described in division (A)(1), (2), (3), (4), 1068
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 1069
appropriate. The superintendent shall send the person, board, or 1070
entity that made the request a copy of the list of offenses 1071
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 1072
(9), (10), (11), or (12) of this section, as appropriate. If the 1073
request was made under section 3701.881 of the Revised Code with 1074
regard to an applicant who may be both responsible for the care, 1075
custody, or control of a child and involved in providing direct 1076
care to an older adult, the superintendent shall provide a list of 1077
the offenses specified in divisions (A)(4) and (6) of this 1078
section. 1079

(B) The superintendent shall conduct any criminal records 1080
check requested under section 121.08, 173.27, 173.394, 1322.03, 1081
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 1082
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1083
~~5111.95, 5111.96~~ 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1084
5126.281, or 5153.111 of the Revised Code as follows: 1085

(1) The superintendent shall review or cause to be reviewed 1086
any relevant information gathered and compiled by the bureau under 1087
division (A) of section 109.57 of the Revised Code that relates to 1088
the person who is the subject of the request, including any 1089
relevant information contained in records that have been sealed 1090
under section 2953.32 of the Revised Code; 1091

(2) If the request received by the superintendent asks for 1092
information from the federal bureau of investigation, the 1093
superintendent shall request from the federal bureau of 1094

investigation any information it has with respect to the person 1095
who is the subject of the request and shall review or cause to be 1096
reviewed any information the superintendent receives from that 1097
bureau. 1098

(3) The superintendent or the superintendent's designee may 1099
request criminal history records from other states or the federal 1100
government pursuant to the national crime prevention and privacy 1101
compact set forth in section 109.571 of the Revised Code. 1102

(C)(1) The superintendent shall prescribe a form to obtain 1103
the information necessary to conduct a criminal records check from 1104
any person for whom a criminal records check is required by 1105
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 1106
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 1107
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 1108
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1109
5153.111 of the Revised Code. The form that the superintendent 1110
prescribes pursuant to this division may be in a tangible format, 1111
in an electronic format, or in both tangible and electronic 1112
formats. 1113

(2) The superintendent shall prescribe standard impression 1114
sheets to obtain the fingerprint impressions of any person for 1115
whom a criminal records check is required by section 121.08, 1116
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1117
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1118
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1119
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1120
Code. Any person for whom a records check is required by any of 1121
those sections shall obtain the fingerprint impressions at a 1122
county sheriff's office, municipal police department, or any other 1123
entity with the ability to make fingerprint impressions on the 1124
standard impression sheets prescribed by the superintendent. The 1125
office, department, or entity may charge the person a reasonable 1126

fee for making the impressions. The standard impression sheets the 1127
superintendent prescribes pursuant to this division may be in a 1128
tangible format, in an electronic format, or in both tangible and 1129
electronic formats. 1130

(3) Subject to division (D) of this section, the 1131
superintendent shall prescribe and charge a reasonable fee for 1132
providing a criminal records check requested under section 121.08, 1133
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1134
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1135
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1136
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1137
Code. The person making a criminal records request under section 1138
121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 1139
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 1140
4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 1141
5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the 1142
fee prescribed pursuant to this division. A person making a 1143
request under section 3701.881 of the Revised Code for a criminal 1144
records check for an applicant who may be both responsible for the 1145
care, custody, or control of a child and involved in providing 1146
direct care to an older adult shall pay one fee for the request. 1147
In the case of a request under section 5111.033 of the Revised 1148
Code, the fee shall be paid in the manner specified in that 1149
section. 1150

(4) The superintendent of the bureau of criminal 1151
identification and investigation may prescribe methods of 1152
forwarding fingerprint impressions and information necessary to 1153
conduct a criminal records check, which methods shall include, but 1154
not be limited to, an electronic method. 1155

(D) A determination whether any information exists that 1156
indicates that a person previously has been convicted of or 1157
pleaded guilty to any offense listed or described in division 1158

(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1159
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1160
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 1161
that is made by the superintendent with respect to information 1162
considered in a criminal records check in accordance with this 1163
section is valid for the person who is the subject of the criminal 1164
records check for a period of one year from the date upon which 1165
the superintendent makes the determination. During the period in 1166
which the determination in regard to a person is valid, if another 1167
request under this section is made for a criminal records check 1168
for that person, the superintendent shall provide the information 1169
that is the basis for the superintendent's initial determination 1170
at a lower fee than the fee prescribed for the initial criminal 1171
records check. 1172

(E) As used in this section: 1173

(1) "Criminal records check" means any criminal records check 1174
conducted by the superintendent of the bureau of criminal 1175
identification and investigation in accordance with division (B) 1176
of this section. 1177

~~(2) "Home and community based waiver services" and "waiver 1178
agency" have the same meanings as in section 5111.95 of the 1179
Revised Code. 1180~~

~~(3) "Independent provider" has the same meaning as in section 1181
5111.96 of the Revised Code. 1182~~

~~(4) "Minor drug possession offense" has the same meaning as 1183
in section 2925.01 of the Revised Code. 1184~~

~~(5)(3) "Older adult" means a person age sixty or older. 1185~~

Sec. 109.93. The attorney general education fund is hereby 1186
created in the ~~custody of the treasurer of state~~ treasury. The 1187
fund shall consist of gifts and grants received by the attorney 1188

general for the purposes of the fund. The fund shall be 1189
administered by the attorney general and shall be used to support 1190
various educational programs. These educational programs may 1191
include programs for consumer protection, victims of crime, 1192
environmental protection, drug abuse, child abuse, peace officer 1193
training, crime prevention, and law. The fund may also be used to 1194
pay costs associated with the solicitation of gifts and grants for 1195
the purposes of the fund, and the costs of administering the fund. 1196
The fund shall not be used to replace money spent by local 1197
programs for similar purposes. 1198

Sec. 111.18. (A) The secretary of state shall keep a record 1199
of all fees collected by the secretary of state and, subject to 1200
division (B) of section 1309.528 of the Revised Code and except as 1201
otherwise provided in the Revised Code, shall pay them into the 1202
state treasury to the credit of the corporate and uniform 1203
commercial code filing fund created by section 1309.528 of the 1204
Revised Code. 1205

(B) The secretary of state may implement alternative payment 1206
programs that permit payment of any fee charged by the secretary 1207
of state by means other than cash, check, money order, or credit 1208
card; an alternative payment program may include, but is not 1209
limited to, one that permits a fee to be paid by electronic means 1210
of transmission. Fees paid under an alternative payment program 1211
shall be deposited to the credit of the secretary of state 1212
alternative payment program fund, which is hereby created. ~~The~~ 1213
~~secretary of state alternative payment program fund shall be in~~ 1214
~~the custody of the treasurer of state but shall not be part of the~~ 1215
state treasury. Any investment income of the secretary of state 1216
alternative payment program fund shall be credited to that fund 1217
and used to operate the alternative payment program. Within two 1218
working days following the deposit of funds to the credit of the 1219
secretary of state alternative payment program fund, the secretary 1220

of state shall pay those funds ~~into the state treasury~~ to the 1221
credit of the corporate and uniform commercial code filing fund, 1222
subject to division (B) of section 1309.401 of the Revised Code 1223
and except as otherwise provided in the Revised Code. 1224

The secretary of state shall adopt rules necessary to carry 1225
out the purposes of this division. 1226

Sec. 118.01. As used in this chapter: 1227

(A) "Advance tax payment notes" means the notes authorized by 1228
section 118.24 of the Revised Code. 1229

(B) "Appropriation measure" means any appropriation measure, 1230
amendment of an appropriation measure, or supplement to an 1231
appropriation measure of a municipal corporation, county, or 1232
township referred to in sections 5705.38 and 5705.40 of the 1233
Revised Code and any other action of a municipal corporation, 1234
county, or township authorizing expenditure of money not 1235
previously included in any appropriation measure. 1236

(C) "Bond anticipation notes" means notes issued in 1237
anticipation of the issuance of bonds. 1238

(D) "Certificate of estimated resources" means the official 1239
certificate of estimated resources of the county budget commission 1240
and amendments of the certificate certified to the municipal 1241
corporation, county, or township as provided for in Chapter 5705. 1242
of the Revised Code. 1243

(E) "Commission" means a financial planning and supervision 1244
commission created by section 118.05 of the Revised Code with 1245
respect to a municipal corporation, county, or township. 1246

(F) "Construction funds" means proceeds from the sale of debt 1247
obligations restricted by law or pursuant to the proceedings for 1248
the issuance of such debt obligations to use for permanent 1249
improvements as defined in division (E) of section 5705.01 of the 1250

Revised Code, including acquisition, construction, or extension of 1251
public utilities, and moneys from any other sources restricted to 1252
such purpose. 1253

(G) "County auditor" means the county auditor with whom tax 1254
budgets of the municipal corporation, county, or township are to 1255
be filed in accordance with section 5705.30 of the Revised Code. 1256

(H) "County budget commission" means the county budget 1257
commission to which the tax budget of the municipal corporation, 1258
county, or township is to be submitted in accordance with section 1259
5705.31 of the Revised Code. 1260

(I) "Current revenue notes" means debt obligations described 1261
in section 133.10 or Chapter 5705. of the Revised Code or any 1262
other debt obligations issued to obtain funds for current 1263
operating expenses. 1264

(J) "Debt limits" means the limitations on net indebtedness 1265
provided in sections 133.05, 133.07, and 133.09 of the Revised 1266
Code, and also includes the limitation, known as the "indirect 1267
debt limit," upon the issuance of unvoted bonds, notes, or 1268
certificates of indebtedness resulting from the ten-mill 1269
limitation provided for in section 5705.02 of the Revised Code. 1270

(K) "Debt obligations" means bonds, notes, certificates of 1271
indebtedness, bond anticipation notes, current revenue notes, 1272
local government fund notes, local communities fund notes, or 1273
other obligations issued or incurred in borrowing money, or to 1274
renew, refund, fund, or refinance, or issued in exchange for, such 1275
obligations, and any interest coupons pertaining thereto other 1276
than bonds or other obligations issued under authority of Section 1277
13 of Article VIII, Ohio Constitution. 1278

(L) "Default" means failure to pay the principal of or the 1279
interest on a debt obligation, or failure to make other payment to 1280
be made to the holder or owner of a debt obligation, in the full 1281

amount and at the time provided for in the contractual commitment 1282
with respect thereto, unless the time for such payment has been 1283
extended by the owner or holder of the debt obligation without 1284
penalty or premium and without the effect of subjecting the 1285
municipal corporation, county, or township to the initiation of 1286
remedies pertaining to such debt obligation or other debt 1287
obligations. 1288

(M) "Deficit fund" means the general fund or any special fund 1289
that, as at the time indicated, has a deficit balance or a balance 1290
that is less than the amount required to be in such fund pursuant 1291
to law or pursuant to contractual requirements, demonstrating that 1292
over a period of time expenditures charged or chargeable to the 1293
fund have exceeded moneys credited to the fund, or that moneys 1294
credited to the fund have not been in the amounts required by law 1295
or contractual requirements. 1296

(N) "Effective financial accounting and reporting system" 1297
means an accounting and reporting system fully in compliance with 1298
the requirements prescribed by and pursuant to Chapter 117. of the 1299
Revised Code, with such modifications and supplements as are to be 1300
provided pursuant to this chapter in order to meet and deal with 1301
the fiscal emergency, provide to the auditor of state, the 1302
commission, the financial supervisor, and the county budget 1303
commission the information needed to carry out their functions, 1304
and better ensure the implementation of the financial plan. 1305

(O) "Financial plan" means the financial plan approved by the 1306
commission in accordance with section 118.06 of the Revised Code, 1307
as it may from time to time be amended in accordance with this 1308
chapter. 1309

(P) "Financial supervisor" means the auditor of state. 1310

(Q) "Fiscal emergency" means the existence of fiscal 1311
emergency conditions determined as provided in section 118.04 of 1312

the Revised Code.	1313
(R) <u>"Fiscal emergency conditions"</u> means any of the events or occurrences described in section 118.03 of the Revised Code.	1314 1315
(S) <u>"Fiscal emergency period"</u> means the period of time commencing on the date when the determination of a fiscal emergency is made by the auditor of state pursuant to section 118.04 of the Revised Code and ending when the determination of termination is made and certified pursuant to section 118.27 of the Revised Code.	1316 1317 1318 1319 1320 1321
(T) <u>"Fiscal watch"</u> means the existence of fiscal watch conditions as determined in accordance with section 118.022 of the Revised Code.	1322 1323 1324
(U) <u>"Fiscal officer"</u> means the fiscal officer of the municipal corporation, county, or township as defined in division (D) of section 5705.01 of the Revised Code.	1325 1326 1327
(V) <u>"Fringe benefits"</u> means expenditures for goods and services furnished to municipal, county, or township officers or employees by the municipal corporation, county, or township, including, but not limited to, such benefits as food, temporary housing, and clothing, and the provision of pension, retirement, disability, hospitalization, health care, insurance, or other benefits to employees requiring the advance payment of money other than directly to employees or other beneficiaries, or the deposit or reservation of money for such purpose.	1328 1329 1330 1331 1332 1333 1334 1335 1336
(W) <u>"General fund"</u> means the fund referred to in division (A) of section 5705.09 of the Revised Code.	1337 1338
(X) <u>"General fund budget"</u> means aggregate revenues available in the general fund during the applicable fiscal year as shown by the certificate of estimated resources.	1339 1340 1341
(Y) <u>"Mayor"</u> means the officer of the municipal corporation	1342

designated as such by law or the chief executive officer under the 1343
charter of the municipal corporation. 1344

(Z) "Payroll" means compensation due and payable to employees 1345
of the municipal corporation, county, or township, other than 1346
fringe benefits. 1347

(AA) "Revenue estimates" means the estimates of revenue 1348
receipts to the credit of the general fund and special funds as 1349
estimated and supplemented, modified, or amended by the municipal 1350
corporation, county, or township, or the county budget commission. 1351

(BB) "Special funds" means any of the funds, other than the 1352
general fund, referred to in sections 5705.09 and 5705.12 of the 1353
Revised Code, and includes any fund created from the issuance of 1354
debt obligations pursuant to Section 3 or 12 of Article XVIII, 1355
Ohio Constitution, and any fund created in connection with the 1356
issuance of debt obligations to provide moneys for the payment of 1357
principal or interest, reserves therefor, or reserves or funds for 1358
repair, maintenance, or improvements. 1359

(CC) "Tax budget" means the tax budget provided for in 1360
section 5705.28 of the Revised Code. 1361

Sec. 118.08. (A) The members of the financial planning and 1362
supervision commission shall serve without compensation, but shall 1363
be paid by the commission their necessary and actual expenses 1364
incurred while engaged in the business of the commission. 1365

(B) All expenses incurred for services rendered by the 1366
financial supervisor for a period of twenty-four months shall be 1367
paid by the commission pursuant to an appropriation made by the 1368
general assembly for this purpose. Expenses incurred for services 1369
rendered by the financial supervisor beyond this period shall be 1370
borne by the municipal corporation, county, or township unless the 1371
director of budget and management waives the costs and allows 1372

payment in accordance with the following: 1373

(1) If the continued performance of the financial supervisor 1374
is required for a period of twenty-five to thirty months, the 1375
municipal corporation, county, or township is responsible for 1376
twenty per cent of the compensation due. 1377

(2) If the continued performance of the financial supervisor 1378
is required for a period of thirty-one to thirty-six months, the 1379
municipal corporation, county, or township is responsible for 1380
fifty per cent of the compensation due. 1381

(3) If the continued performance of the financial supervisor 1382
is required for a period of thirty-seven months or more, the 1383
municipal corporation, county, or township is responsible for one 1384
hundred per cent of the compensation due except as otherwise 1385
provided in division (B)(4) of this section. 1386

(4) If the continued performance of the financial supervisor 1387
has been required longer than eight fiscal years for any municipal 1388
corporation, county, or township declared to be in a fiscal 1389
emergency prior to fiscal year 1996, that municipal corporation, 1390
county, or township is responsible for fifty per cent of the 1391
compensation due in its ninth fiscal year while in fiscal 1392
emergency and one hundred per cent of the compensation due in its 1393
tenth fiscal year and every fiscal year thereafter while in fiscal 1394
emergency. 1395

(C) If the municipal corporation, county, or township fails 1396
to make any payment to the financial supervisor as required by 1397
this chapter, the financial supervisor may certify to the county 1398
auditor the amount due, and that amount shall be withheld from the 1399
municipal corporation, county, or township from any fund or funds 1400
in the custody of the county auditor for distribution to the 1401
municipal corporation, county, or township, except for those 1402
reserved for payment of local government fund or local communities 1403

fund notes. Upon receiving the certification from the financial 1404
supervisor, the county auditor shall draw a voucher for the amount 1405
against those fund or funds in favor of the financial supervisor. 1406

Sec. 118.17. (A) During a fiscal emergency period and with 1407
the approval of the financial planning and supervision commission, 1408
a municipal corporation, county, or township may issue local 1409
~~government~~ communities fund notes, in anticipation of amounts to 1410
be allocated to it pursuant to division (B) of section 5747.50 of 1411
the Revised Code or to be apportioned to it under section 5747.51 1412
or 5747.53 of the Revised Code in a future year or years, for a 1413
period of no more than eight calendar years. The principal amount 1414
of the notes and interest on the notes due and payable in any year 1415
shall not exceed fifty per cent of the total amount of local 1416
government fund or local communities fund moneys so allocated or 1417
apportioned to the municipal corporation, county, or township for 1418
the year preceding the year in which the notes are issued. The 1419
notes may mature in semiannual or annual installments in such 1420
amounts as may be fixed by the commission, and need not mature in 1421
substantially equal semiannual or annual installments. The notes 1422
of a municipal corporation may be authorized and issued, subject 1423
to the approval of the commission, in the manner provided in 1424
sections 717.15 and 717.16 of the Revised Code, except that, 1425
notwithstanding division (A)(2) of section 717.16 of the Revised 1426
Code, the rate or rates of interest payable on the notes shall be 1427
the prevailing market rate or rates as determined and approved by 1428
the commission, and except that they shall not be issued in 1429
anticipation of bonds, shall not constitute general obligations of 1430
the municipal corporation, and shall not pledge the full faith and 1431
credit of the municipal corporation. 1432

(B) The principal and interest on the notes provided for in 1433
this section shall be payable, as provided in this section, solely 1434
from the portion of the local ~~government~~ communities fund that 1435

would otherwise be apportioned to the municipal corporation, 1436
county, or township and shall not be payable from or constitute a 1437
pledge of or claim upon, or require the levy, collection, or 1438
application of, any unvoted ad valorem property taxes or other 1439
taxes, or in any manner occupy any portion of the indirect debt 1440
limit. 1441

(C) Local ~~government~~ communities fund notes may be issued 1442
only to the extent needed to achieve one or more of the following 1443
objectives of the financial plan: 1444

(1) Satisfying any contractual or noncontractual judgments, 1445
past due accounts payable, and all past due and payable payroll 1446
and fringe benefits to be taken into account under section 118.03 1447
of the Revised Code; 1448

(2) Restoring to construction funds or other restricted funds 1449
any money applied from such funds to uses not within the purposes 1450
of such funds and which could not be transferred to such use under 1451
section 5705.14 of the Revised Code; 1452

(3) Eliminating deficit balances in all deficit funds, 1453
including funds that may be used to pay operating expenses. 1454

In addition to the objectives set forth in divisions (C)(1) 1455
to (3) of this section, local ~~government~~ communities fund notes 1456
may be issued and the proceeds of those notes may be used for the 1457
purpose of retiring or replacing other moneys used to retire 1458
current revenue notes issued pursuant to section 118.23 of the 1459
Revised Code to the extent that the proceeds of the current 1460
revenue notes have been or are to be used directly or to replace 1461
other moneys used to achieve one or more of the objectives of the 1462
financial plan specified in divisions (C)(1) to (3) of this 1463
section. Upon authorization of the local ~~government~~ communities 1464
fund notes by the legislative authority of the municipal 1465
corporation, county, or township, the proceeds of the local 1466

~~government~~ communities fund notes and the proceeds of any such 1467
current revenue notes shall be deemed to be appropriated, to the 1468
extent that the proceeds have been or are to be so used, for the 1469
purposes for which the revenues anticipated by any such current 1470
revenue notes are collected and appropriated within the meaning of 1471
section 133.10 of the Revised Code. 1472

(D) The need for an issue of local ~~government~~ communities 1473
fund notes for such purposes shall be determined by taking into 1474
consideration other money and sources of moneys available therefor 1475
under this chapter or other provisions of law, and calculating the 1476
respective amounts needed therefor in accordance with section 1477
118.03 of the Revised Code, including the deductions or offsets 1478
therein provided, for determining that a fiscal emergency 1479
condition exists, and by eliminating any duplication of amounts 1480
thereunder. The respective amounts needed to achieve such 1481
objectives and the resulting aggregate net amount shall be 1482
determined initially by a certification of the fiscal officer as 1483
and to the extent approved by the financial supervisor. The 1484
principal amount of such notes shall not exceed the aggregate net 1485
amount needed for such purposes. The aggregate amount of all 1486
issues of such notes shall not exceed three times the average of 1487
the allocation or apportionment to the municipal corporation, 1488
county, or township of moneys from the local ~~government~~ 1489
communities fund in each of the three fiscal years preceding the 1490
fiscal year in which the notes are issued. 1491

(E) The proceeds of the sale of local ~~government~~ communities 1492
fund notes shall be appropriated by the municipal corporation, 1493
county, or township for and shall be applied only to the purposes, 1494
and in the respective amounts for those purposes, set forth in the 1495
certification given pursuant to division (D) of this section, as 1496
the purposes and amounts may be modified in the approval by the 1497
commission provided for in this section. The proceeds shall be 1498

deposited in separate accounts with a fiscal agent designated in 1499
the resolution referred to in division (F) of this section and 1500
released only for such respective purposes in accordance with the 1501
procedures set forth in division (D) of section 118.20 of the 1502
Revised Code. Any amounts not needed for such purposes shall be 1503
deposited with the fiscal agent designated to receive deposits for 1504
payment of the principal of and interest due on the notes. 1505

(F) An application for approval by the financial planning and 1506
supervision commission of an issue of local ~~government~~ communities 1507
fund notes shall be authorized by a preliminary resolution adopted 1508
by the legislative authority. The resolution may authorize the 1509
application as a part of the initial submission of the financial 1510
plan for approval or as a part of any proposed amendment to an 1511
approved financial plan or at any time after the approval of a 1512
financial plan, or amendment to a financial plan, that proposes 1513
the issue of such notes. The preliminary resolution shall 1514
designate a fiscal agent for the deposit of the proceeds of the 1515
sale of the notes, and shall contain a covenant of the municipal 1516
corporation, county, or township to comply with this chapter and 1517
the financial plan. 1518

The commission shall review and evaluate the application and 1519
supporting certification and financial supervisor action, and 1520
shall thereupon certify its approval or disapproval, or 1521
modification and approval, of the application. 1522

The commission shall certify the amounts, maturities, 1523
interest rates, and terms of issue of the local ~~government~~ 1524
communities fund notes approved by the commission and the purposes 1525
to which the proceeds of the sale of the notes will be applied in 1526
respective amounts. 1527

The commission shall certify a copy of its approval, of the 1528
preliminary resolution, and of the related certification and 1529
action of the financial supervisor to the fiscal officer, the 1530

financial supervisor, the county budget commission, the county 1531
auditor, the county treasurer, and the fiscal agent designated to 1532
receive and disburse the proceeds of the sale of the notes. 1533

(G) Upon the sale of any local ~~government~~ communities fund 1534
notes issued under this section, the commission shall determine a 1535
schedule for the deposit of local ~~government~~ communities fund 1536
distributions that are pledged for the payment of the principal of 1537
and interest on the notes with the fiscal agent or trustee 1538
designated in the agreement between the municipal corporation, 1539
county, or township and the holders of the notes to receive and 1540
disburse the distributions. The amounts to be deposited shall be 1541
adequate to provide for the payment of principal and interest on 1542
the notes when due and to pay all other proper charges, costs, or 1543
expenses pertaining thereto. 1544

The amount of the local ~~government~~ communities fund moneys 1545
apportioned to the municipal corporation, county, or township that 1546
is to be so deposited in each year shall not be included in the 1547
tax budget and appropriation measures of the municipal 1548
corporation, county, or township, or in certificates of estimated 1549
revenues, for that year. 1550

The commission shall certify the schedule to the officers 1551
designated in division (F) of this section. 1552

(H) Deposit of amounts with the fiscal agent or trustee 1553
pursuant to the schedule determined by the commission shall be 1554
made from local ~~government~~ communities fund distributions to or 1555
apportioned to the municipal corporation, county, or township as 1556
provided in this division. The apportionment of local ~~government~~ 1557
communities fund moneys to the municipal corporation, county, or 1558
township for any year from the undivided local ~~government~~ 1559
communities fund shall be determined as to the municipal 1560
corporation, county, or township without regard to the amounts to 1561
be deposited with the fiscal agent or trustee in that year in 1562

accordance with division (G) of this section. After the amount of 1563
the undivided local ~~government~~ communities fund apportioned to the 1564
municipal corporation, county, or township for a calendar year is 1565
determined, the county auditor and the county treasurer shall 1566
withhold from each monthly amount to be distributed to the 1567
municipal corporation, county, or township from the undivided 1568
local ~~government~~ communities fund, and transmit to the fiscal 1569
agent or trustee for deposit, one-twelfth of the amount scheduled 1570
for deposit in that year pursuant to division (G) of this section. 1571

(I) If the commission approves the application, the municipal 1572
corporation, county, or township may proceed with the issuance of 1573
the notes as approved by the commission. 1574

All notes issued under authority of this section are lawful 1575
investments for the entities enumerated in division (A)(1) of 1576
section 133.03 of the Revised Code and are eligible as security 1577
for the repayment of the deposit of public moneys. 1578

Upon the issuance of any notes under this section, the fiscal 1579
officer of the municipal corporation, county, or township shall 1580
certify the fact of the issuance to the county auditor and shall 1581
also certify to the county auditor the last calendar year in which 1582
any of the notes are scheduled to mature. 1583

(J) After the legislative authority of the municipal 1584
corporation, county, or township has passed an ordinance or 1585
resolution authorizing the issuance of local ~~government~~ 1586
communities fund notes and subsequent to the commission's 1587
preliminary or final approval of the ordinance or resolution, the 1588
director of law, prosecuting attorney, or other chief legal 1589
officer of the municipal corporation, county, or township shall 1590
certify a sample of the form and content of a note to be used to 1591
issue the local ~~government~~ communities fund notes to the 1592
commission. The commission shall determine whether the sample note 1593
is consistent with this section and the ordinance or resolution 1594

authorizing the issuance of the local ~~government~~ communities fund 1595
notes, and if the sample note is found to be consistent with this 1596
section and the ordinance, the commission shall approve the sample 1597
note for use by the municipal corporation, county, or township. 1598
The form and content of the notes to be used by the municipal 1599
corporation, county, or township in issuing the local ~~government~~ 1600
communities fund notes may be modified at any time subsequent to 1601
the commission's approval of the sample note upon the approval of 1602
the commission and the director of law, prosecuting attorney, or 1603
other chief legal officer of the municipal corporation, county, or 1604
township. The failure of the director of law, prosecuting 1605
attorney, or other chief legal officer of the municipal 1606
corporation, county, or township to make the certification 1607
required by this division shall not subject that legal officer to 1608
removal pursuant to the Revised Code or the charter of a municipal 1609
corporation. If the director of law, prosecuting attorney, or 1610
other chief legal officer fails or refuses to make the 1611
certification required by this division, or if any officer of the 1612
municipal corporation, county, or township fails or refuses to 1613
take any action required by this section or the ordinance or 1614
resolution authorizing the issuance or sale of local ~~government~~ 1615
communities fund notes, the mayor of the municipal corporation or 1616
the board of county commissioners or board of township trustees 1617
may cause the commencement of a mandamus action in the supreme 1618
court against the director of law, prosecuting attorney, or other 1619
chief legal officer to secure the certification required by this 1620
division or other action required by this section or the ordinance 1621
or resolution. If an adjudication of the matters that could be 1622
adjudicated in validation proceedings under section 133.70 of the 1623
Revised Code is necessary to a determination of the mandamus 1624
action, the mayor, the board of county commissioners, or the board 1625
of township trustees or the mayor's or board's legal counsel shall 1626
name and cause to be served as defendants to the mandamus action 1627

all of the following: 1628

(1) The director of law, prosecuting attorney, or other chief 1629
legal officer, or other official of the municipal corporation, 1630
county, or township, whose failure or refusal to act necessitated 1631
the action; 1632

(2) The municipal corporation, through its mayor, or the 1633
board of county commissioners or board of township trustees; 1634

(3) The financial planning and supervision commission, 1635
through its chairperson; 1636

(4) The prosecuting attorney and auditor of each county in 1637
which the municipal corporation, county, or township is located, 1638
in whole or in part; 1639

(5) The auditor of state; 1640

(6) The property owners, taxpayers, citizens of the municipal 1641
corporation, county, or township and others having or claiming any 1642
right, title, or interest in any property or funds to be affected 1643
by the issuance of the local ~~government~~ communities fund notes by 1644
the municipal corporation, county, or township, or otherwise 1645
affected in any way thereby. 1646

Service upon all defendants described in division (J)(6) of 1647
this section shall be by publication three times, with at least 1648
six days between each publication, in a newspaper of general 1649
circulation in Franklin county and a newspaper of general 1650
circulation in the county or counties where the municipal 1651
corporation, county, or township is located. The publication and 1652
the notice shall indicate that the nature of the action is in 1653
mandamus, the name of the parties to the action, and that the 1654
action may result in the validation of the subject local 1655
~~government~~ communities fund notes. Authorization to commence such 1656
an action by the legislative authority of the municipal 1657
corporation, county, or township is not required. 1658

A copy of the complaint in the mandamus action shall be served personally or by certified mail upon the attorney general. If the attorney general has reason to believe that the complaint is defective, insufficient, or untrue, or if in the attorney general's opinion the issuance of the local ~~government~~ communities fund notes is not lawful or has not been duly authorized, defense shall be made to the complaint as the attorney general considers proper.

(K) The action in mandamus authorized by division (J) of this section shall take priority over all other civil cases pending in the court, except habeas corpus, and shall be determined with the least possible delay. The supreme court may determine that the local ~~government~~ communities fund notes will be consistent with the purpose and effects, including not occupying the indirect debt limit, provided for in this section and will be validly issued and acquired. Such a determination shall include a finding of validation of the subject local ~~government~~ communities fund notes if the court specifically finds that:

(1) The complaint in mandamus, or subsequent pleadings, include appropriate allegations required by division (C) of section 133.70 of the Revised Code, and that the proceeding is in lieu of an action to validate under section 133.70 of the Revised Code;

(2) All parties described in divisions (J)(1) to (6) of this section have been duly served with notice or are otherwise properly before the court;

(3) Notice of the action has been published as required by division (J) of this section;

(4) The effect of validation is required to provide a complete review and determination of the controversy in mandamus, and to avoid duplication of litigation, danger of inconsistent

results, or inordinate delay in light of the fiscal emergency, or 1690
that a disposition in the mandamus action would, as a practical 1691
matter, be dispositive of any subsequent validation proceedings 1692
under section 133.70 of the Revised Code. 1693

(L) Any decision that includes a finding of validation has 1694
the same effect as a validation order established by an action 1695
under section 133.70 of the Revised Code. 1696

(M) Divisions (J) and (K) of this section do not prevent a 1697
municipal corporation, county, or township from using section 1698
133.70 of the Revised Code to validate local ~~government~~ 1699
communities fund notes by the filing of a petition for validation 1700
in the court of common pleas of the county in which the municipal 1701
corporation, county, or township is located, in whole or in part. 1702

(N) It is hereby determined by the general assembly that a 1703
validation action authorized by section 133.70 of the Revised Code 1704
is not an adequate remedy at law with respect to a municipal 1705
corporation, county, or township that is a party to a mandamus 1706
action pursuant to divisions (J) and (K) of this section and in 1707
which a fiscal emergency condition has been determined to exist 1708
pursuant to section 118.04 of the Revised Code because of, but not 1709
limited to, the following reasons: 1710

(1) It is urgently necessary for such a municipal 1711
corporation, county, or township to take prompt action to issue 1712
local ~~government~~ communities fund notes for the purposes provided 1713
in division (C) of this section; 1714

(2) The potentially ruinous effect upon the fiscal condition 1715
of a municipal corporation, county, or township by the passage of 1716
the time required to adjudicate such a separate validation action 1717
and any appeals thereof; 1718

(3) The reasons stated in division (K)(4) of this section. 1719

Sec. 118.20. Pursuant to section 118.19 of the Revised Code:	1720
(A) The ordinance or resolution authorizing the debt obligations may provide for the pledge of, and covenants to levy, charge, collect, deposit, and apply ad valorem property taxes, income taxes, excises, utility revenues, local government <u>communities</u> fund receipts, permit and license fees, and any other receipts from taxes, permits, licenses, fines, or other sources of revenue of the municipal corporation, county, or township; accrued and capitalized interest and premium from the proceeds of the sale of the debt obligations, lawfully available for the purpose, to the payment of the debt service and costs of issuing, carrying, redeeming, and retiring such debt obligations; covenants in respect of the establishment, investment, segregation, and maintenance of any funds or reserves in connection with the debt obligations and any other funds of the municipal corporation, county, or township. No pledge may be made in a manner which impairs the contract rights of the holders of any outstanding debt obligations.	1721 1722 1723 1724 1725 1726 1727 1728 1729 1730 1731 1732 1733 1734 1735 1736 1737
(B) The ordinance or resolution authorizing the debt obligations may designate a fiscal agent for the debt obligations, or the fiscal agent may be designated by other ordinance or resolution of the legislative authority of the municipal corporation, county, or township. The fiscal agent may be a purchaser of such debt obligations or other debt obligations of the municipal corporation, county, or township.	1738 1739 1740 1741 1742 1743 1744
(C) The ordinance or resolution authorizing the debt obligations may provide for immediate or periodic deposit of pledged receipts or a portion thereof in one or more separate bank accounts, funds, or other accounts established with the fiscal agent. Provision may be made therein for pledged receipts that are collected by the state, the county, the township, or any agency	1745 1746 1747 1748 1749 1750

for the municipal corporation, county, or township to be 1751
transferred by the appropriate officer of the state or county or 1752
agency having charge of the collection or distribution of such 1753
pledged receipts directly to the fiscal agent for deposit under 1754
the ordinance or resolution. Such officers of the state and county 1755
or agent shall transfer such pledged receipts in accordance with 1756
this section and the ordinance. The fiscal agent shall disburse 1757
funds so held for payments when due in accordance with the 1758
ordinance or resolution, including the transfer of funds to paying 1759
agents for the debt obligations at the times and in the amounts 1760
required. Until needed for such purposes, the fiscal agent shall 1761
invest the funds on behalf of the municipal corporation, county, 1762
or township in obligations that are lawful for the investment of 1763
public funds of the municipal corporation, county, or township, 1764
including provisions for such investments in a municipal charter, 1765
in the manner provided for in the ordinance or resolution. Funds 1766
held by the fiscal agent and all moneys and securities therein and 1767
pledged receipts payable thereto in accordance with the ordinance 1768
or resolution are hereby declared to be property of the municipal 1769
corporation, county, or township devoted to essential governmental 1770
purposes and accordingly shall not be applied to any purpose other 1771
than as provided herein and shall not be subject to any order, 1772
judgment, lien, execution, attachment, setoff, or counterclaim by 1773
any creditor of the municipal corporation, county, or township 1774
other than a creditor for whose benefit such fund is established 1775
and maintained and who is entitled thereto under and pursuant to 1776
this section. 1777

(D) The ordinance or resolution authorizing the debt 1778
obligations shall provide that proceeds of the debt obligations 1779
shall be deposited with a fiscal agent in a special and separate 1780
bank account and held in trust and expended only for the object or 1781
purpose for which such debt obligations were issued. A copy of the 1782
ordinance or resolution authorizing the debt obligations shall be 1783

filed with such fiscal agent at or prior to the time the proceeds 1784
are made available to the municipal corporation, county, or 1785
township. No moneys shall be withdrawn from such account unless 1786
there is filed with such fiscal agent a written requisition of the 1787
fiscal officer of the municipal corporation, county, or township 1788
or the fiscal officer's authorized deputy, setting forth the item 1789
number of the requisition or the account to be charged, the name 1790
of the person to whom payment is due, the amount to be paid, a 1791
statement to the effect that the obligation in the stated amount 1792
has been incurred by the municipal corporation, county, or 1793
township and is a proper charge against such account, and such 1794
other information as may be required by the ordinance or 1795
resolution. Pending such withdrawals, the moneys shall be invested 1796
for and on behalf of the municipal corporation, county, or 1797
township by the fiscal agent in obligations which are lawful for 1798
the investment of public funds of the municipal corporation, 1799
county, or township, including provisions for such investments in 1800
a municipal charter, in the manner as provided for in the 1801
ordinance or resolution. 1802

(E) Amounts held by fiscal agents shall be accounted for in 1803
the appropriate special funds of the municipal corporation, 1804
county, or township as if held in the treasury of the municipal 1805
corporation, county, or township, and the fiscal agents shall 1806
provide such information to the municipal corporation, county, or 1807
township as is necessary for the purpose. 1808

(F) The ordinance or resolution authorizing the debt 1809
obligations may contain covenants of the municipal corporation, 1810
county, or township to protect and safeguard the security and 1811
rights of the holders of such debt obligations, and without 1812
limiting the generality of the foregoing, such ordinance or 1813
resolution may contain covenants as to: 1814

(1) Establishment and maintenance of the funds to be held by 1815

fiscal agents as provided in this section and section 118.23 of 1816
the Revised Code, the times, amounts, and levels for deposits to 1817
such funds, and the obligations in which the proceeds of such 1818
funds may be invested pending their use, subject to such 1819
limitations on investment of public funds otherwise provided for 1820
by law or pursuant to the charter of a municipal corporation; 1821

(2) The appointment, rights, powers, and duties of the fiscal 1822
agent, including limiting or abrogating the right of the holders 1823
to appoint a trustee pursuant to section 118.21 of the Revised 1824
Code and vesting in the fiscal agent all or any of such rights, 1825
powers, and duties, in trust; 1826

(3) The execution of a credit agreement with the fiscal agent 1827
for the benefit of holders of such debt obligations and for the 1828
benefit of any other holders of other debt obligations of the 1829
municipal corporation, county, or township then outstanding, 1830
provided, however, that such benefit conferred on such holders of 1831
such outstanding debt obligations shall not be deemed to restrict, 1832
preclude, or otherwise impair any rights that such holders 1833
otherwise may assert; 1834

(4) Filings, review, and correction of tax budgets, 1835
appropriation measures, annual reports, audits, and other matters 1836
of financial record; 1837

(5) Compliance with the provisions of this chapter and the 1838
financial plan and other laws applicable to the municipal 1839
corporation, county, or township including Chapters 133. and 5705. 1840
of the Revised Code, and with further restrictions on the powers, 1841
rights, and duties of the municipal corporation, county, or 1842
township necessary, appropriate, or desirable for the proper, 1843
provident, and efficient management of financial affairs that the 1844
municipal corporation, county, or township, with the approval of 1845
the commission or, when authorized by the commission, the 1846
financial supervisor, determines will assure prompt payment when 1847

due of its debt obligations; 1848

(6) Conditions that would give rise to an event of default 1849
under the terms of such ordinance and actions and remedies that 1850
the fiscal agent may take or assert on behalf of the holders of 1851
such debt obligations; 1852

(7) Restrictions on the issuance of other debt obligations. 1853

Sec. 118.23. (A) This section shall be applicable to current 1854
revenue notes approved by the financial planning and supervision 1855
commission or, when authorized by the commission, the financial 1856
supervisor pursuant to section 118.15 of the Revised Code and 1857
issued by a municipal corporation, county, or township pursuant to 1858
section 133.10 of the Revised Code and this section during a 1859
fiscal emergency period. 1860

(B) In the case of the issuance of such current revenue notes 1861
in anticipation of ad valorem property taxes, the county auditors 1862
of the counties in which the municipal corporation, county, or 1863
township is located, at the time of and from each distribution to 1864
the municipality of the proceeds of the anticipated taxes, 1865
including any payments from the state pursuant to sections 321.24 1866
and 323.156 of the Revised Code, whether such distribution be in 1867
the form of an advance or settlement that would otherwise have 1868
been paid to a fund or funds of the municipal corporation, county, 1869
or township, shall draw a separate warrant for payment to the 1870
county auditor for deposit in a special account to be held and 1871
applied pursuant to this section by the county auditor as fiscal 1872
agent and entitled "..... (insert name of municipal corporation, 1873
county, or township) current tax revenue note retirement account," 1874
that portion of such distribution as provided for in the ordinance 1875
or resolution authorizing such notes pursuant to this section. 1876

(C) In the case of the issuance of such current revenue notes 1877
in anticipation of revenues other than ad valorem property taxes, 1878

the ordinance or resolution authorizing such notes shall provide 1879
for the times and amounts of deposits with the fiscal agent by the 1880
municipal corporation, county, or township of moneys from the 1881
revenues anticipated that shall be deposited in a special account 1882
to be held and applied by the fiscal agent pursuant to this 1883
section and entitled "..... (insert name of municipal 1884
corporation, county, or township) current revenue note retirement 1885
account." Such ordinance or resolution may provide for the direct 1886
deposit to such account by the auditor of state and the county 1887
auditor or county auditors of the receiving counties, as 1888
appropriate, of such portions as therein specified of local 1889
~~government~~ communities fund distribution to be made to the 1890
municipal corporation, county, or township. 1891

(D) The moneys in the accounts provided for in divisions (B) 1892
and (C) of this section are pledged and shall be used, so long as 1893
any portion of the debt service on such notes payable from the 1894
respective account is unpaid, solely for the purpose of paying 1895
such debt service, and for any reserves for debt service provided 1896
for in the ordinance or resolution authorizing such debt 1897
obligations. If accumulated payments into either account produce 1898
an amount less than that needed to make a timely payment of debt 1899
service or to such reserves, the full amount needed to make up any 1900
such deficiency shall be paid, in the case of the current tax 1901
revenue note retirement account, by the county auditor into such 1902
account from the last distribution or distributions to the 1903
municipal corporation, county, or township of the proceeds of the 1904
anticipated taxes to be received prior to the date of such 1905
payment, and in the case of the current revenue note retirement 1906
account, by the fiscal officer from the anticipated revenues 1907
received prior to the date of such payment. 1908

(E) The amounts to be deposited in each respective account 1909
pursuant to divisions (B), (C), and (D) of this section must be 1910

sufficient, in time and amount, to pay the principal of and 1911
interest on current notes payable from such account at their 1912
stated payment dates and to develop and maintain the required 1913
amounts in any such reserves. 1914

(F) The municipal corporation, county, or township shall not 1915
be entitled to receive from the fiscal agent any moneys held in 1916
the current tax revenue note retirement account or current revenue 1917
note retirement account, except that any surplus moneys remaining 1918
in either such account after the payment in full of the debt 1919
service on the notes payable therefrom shall be paid to the 1920
municipal corporation, county, or township, to be used for any 1921
lawful purpose of the municipal corporation, county, or township 1922
for which the anticipated revenues themselves might have been 1923
used. 1924

(G) Current revenue notes of a municipal corporation, county, 1925
or township issued during a fiscal emergency period may mature on 1926
or before the thirty-first day of December of the calendar year in 1927
which issued, may, when issued in anticipation of the collection 1928
of current tax revenues, anticipate one-half of the amount that 1929
the budget commission estimates the subdivision will receive from 1930
all property taxes that are to be distributed to the subdivision 1931
from all settlements of taxes that are to be made in the remainder 1932
of that year, other than taxes to be received for the payment of 1933
debt charges, and less all advances, and may, if issued during the 1934
last two months of the calendar year in which the fiscal emergency 1935
period commenced, anticipate one-half the estimated amount of ad 1936
valorem property taxes levied in that year for the tax budget of 1937
the following year which were authorized to be levied by the 1938
municipal charter or otherwise authorized by vote of the 1939
electorate of the municipal corporation, county, or township and 1940
may mature not later than the thirty-first day of December of the 1941
year following the year in which such notes are issued, 1942

notwithstanding section 133.10 of the Revised Code. 1943

(H) Pursuant to section 118.19 of the Revised Code, the 1944
municipal corporation, county, or township may utilize any of the 1945
special provisions of sections 118.20 to 118.22 of the Revised 1946
Code in connection with such current revenue notes. 1947

(I) Before any such current revenue notes may be authorized, 1948
the municipal corporation, county, or township shall submit to the 1949
commission and the commission or, when authorized by the 1950
commission, the financial supervisor shall approve: 1951

(1) A schedule of projected revenues and expenses of the 1952
municipal corporation, county, or township during the period in 1953
which such notes would be outstanding, demonstrating an 1954
anticipated cash flow deficit during such period, the amount of 1955
such anticipated cash flow deficit, and the necessity for the 1956
issuance of such current revenue notes to avoid the occurrence of 1957
such a cash flow deficit; 1958

(2) The terms of the proposed notes, including the interest 1959
rate or rates to be paid thereon; 1960

(3) The schedule, showing times, amounts, and sources of 1961
payment, for deposits into the account from which such notes are 1962
to be paid; 1963

(4) Other documents and data required under section 118.15 of 1964
the Revised Code. 1965

Sec. 119.07. Except when a statute prescribes a notice and 1966
the persons to whom it shall be given, in all cases in which 1967
section 119.06 of the Revised Code requires an agency to afford an 1968
opportunity for a hearing prior to the issuance of an order, the 1969
agency shall give notice to the party informing ~~him~~ the party of 1970
~~his~~ the party's right to a hearing. Notice shall be given by 1971
registered or certified mail, return receipt requested, and shall 1972

include the charges or other reasons for the proposed action, the 1973
law or rule directly involved, and a statement informing the party 1974
that ~~he~~ the party is entitled to a hearing if ~~he~~ the party 1975
requests it within thirty days of the time of mailing the notice. 1976
The notice shall also inform the party that at the hearing ~~he~~ the 1977
party may appear in person, by ~~his~~ the party's attorney, or by 1978
such other representative as is permitted to practice before the 1979
agency, or may present ~~his~~ the party's position, arguments, or 1980
contentions in writing and that at the hearing ~~he~~ the party may 1981
present evidence and examine witnesses appearing for and against 1982
~~him~~ the party. A copy of the notice shall be mailed to attorneys 1983
or other representatives of record representing the party. This 1984
paragraph does not apply to situations in which such section 1985
provides for a hearing only when it is requested by the party. 1986

When a statute specifically permits the suspension of a 1987
license without a prior hearing, notice of the agency's order 1988
shall be sent to the party by registered or certified mail, return 1989
receipt requested, not later than the business day next succeeding 1990
such order. The notice shall state the reasons for the agency's 1991
action, cite the law or rule directly involved, and state that the 1992
party will be afforded a hearing if ~~he~~ the party requests it 1993
within thirty days of the time of mailing the notice. A copy of 1994
the notice shall be mailed to attorneys or other representatives 1995
of record representing the party. 1996

Whenever a party requests a hearing in accordance with this 1997
section and section 119.06 of the Revised Code, the agency shall 1998
immediately set the date, time, and place for the hearing and 1999
forthwith notify the party thereof. The date set for the hearing 2000
shall be within fifteen days, but not earlier than seven days, 2001
after the party has requested a hearing, unless otherwise agreed 2002
to by both the agency and the party. 2003

When any notice sent by registered or certified mail, as 2004

required by sections 119.01 to 119.13 of the Revised Code, is 2005
returned because of failure of delivery the agency shall send the 2006
notice by ordinary mail to the party at the party's last known 2007
address and shall obtain a certificate of mailing. Service by 2008
ordinary mail is complete when the certificate of mailing is 2009
obtained. If a notice sent by ordinary mail is returned showing 2010
failure of delivery, the agency shall notify the attorneys or 2011
other representatives of record representing the party of the 2012
failure of delivery and serve a copy of the notice upon them, by 2013
ordinary or registered or certified mail; if ordinary mail is 2014
used, the agency shall obtain a certificate of mailing. Service 2015
upon the attorneys or other representatives of record is complete 2016
when the notice is mailed. If there are no attorneys or other 2017
representatives of record representing the party, the agency 2018
either shall make personal delivery of the notice by an employee 2019
or agent of the agency or shall cause a summary of the substantive 2020
provisions of the notice to be published once a week for three 2021
consecutive weeks in a newspaper of general circulation in the 2022
county where the last known ~~place of residence or business~~ address 2023
of the party is located. When notice is given by publication, ~~a~~ 2024
~~copy of the newspaper~~ a proof of publication affidavit, with the 2025
first publication of the notice ~~marked~~ set forth in the affidavit, 2026
shall be mailed by ordinary mail to the party at the party's last 2027
known address and the notice shall be deemed received as of the 2028
date of the last publication. An employee or agent of the agency 2029
may make personal delivery of the notice upon a party at any time. 2030

Refusal of delivery by personal service or by mail is not 2031
failure of delivery. Failure of delivery occurs only when, with 2032
reasonable diligence, a party cannot be found to make personal 2033
service of a notice, or if a mailed notice is returned by the 2034
postal authorities marked undeliverable, addressee unknown, or 2035
forwarding address unknown or expired. A party's last known 2036
address is the mailing address of the party appearing in the 2037

records of the agency. 2038

The failure of an agency to give the notices for any hearing 2039
required by sections 119.01 to 119.13 of the Revised Code in the 2040
manner provided in this section shall invalidate any order entered 2041
pursuant to the hearing. 2042

Sec. 120.33. (A) In lieu of using a county public defender or 2043
joint county public defender to represent indigent persons in the 2044
proceedings set forth in division (A) of section 120.16 of the 2045
Revised Code, the board of county commissioners of any county may 2046
adopt a resolution to pay counsel who are either personally 2047
selected by the indigent person or appointed by the court. The 2048
resolution shall include those provisions the board of county 2049
commissioners considers necessary to provide effective 2050
representation of indigent persons in any proceeding for which 2051
counsel is provided under this section. The resolution shall 2052
include provisions for contracts with any municipal corporation 2053
under which the municipal corporation shall reimburse the county 2054
for counsel appointed to represent indigent persons charged with 2055
violations of the ordinances of the municipal corporation. 2056

(1) In a county that adopts a resolution to pay counsel, an 2057
indigent person shall have the right to do either of the 2058
following: 2059

(a) To select the person's own personal counsel to represent 2060
the person in any proceeding included within the provisions of the 2061
resolution; 2062

(b) To request the court to appoint counsel to represent the 2063
person in such a proceeding. 2064

(2) The court having jurisdiction over the proceeding in a 2065
county that adopts a resolution to pay counsel shall, after 2066
determining that the person is indigent and entitled to legal 2067

representation under this section, do either of the following: 2068

(a) By signed journal entry recorded on its docket, enter the 2069
name of the lawyer selected by the indigent person as counsel of 2070
record; 2071

(b) Appoint counsel for the indigent person if the person has 2072
requested the court to appoint counsel and, by signed journal 2073
entry recorded on its dockets, enter the name of the lawyer 2074
appointed for the indigent person as counsel of record. 2075

(3) The board of county commissioners shall establish a 2076
schedule of fees by case or on an hourly basis to be paid to 2077
counsel for legal services provided pursuant to a resolution 2078
adopted under this section. Prior to establishing the schedule, 2079
the board of county commissioners shall request the bar 2080
association or associations of the county to submit a proposed 2081
schedule. The schedule submitted shall be subject to the review, 2082
amendment, and approval of the board of county commissioners. 2083

(4) Counsel selected by the indigent person or appointed by 2084
the court at the request of an indigent person in a county that 2085
adopts a resolution to pay counsel, except for counsel appointed 2086
to represent a person charged with any violation of an ordinance 2087
of a municipal corporation that has not contracted with the county 2088
commissioners for the payment of appointed counsel, shall be paid 2089
by the county and shall receive the compensation and expenses the 2090
court approves. Each request for payment shall be accompanied by a 2091
financial disclosure form and an affidavit of indigency that are 2092
completed by the indigent person on forms prescribed by the state 2093
public defender. Compensation and expenses shall not exceed the 2094
amounts fixed by the board of county commissioners in the schedule 2095
adopted pursuant to division (A)(3) of this section. No court 2096
shall approve compensation and expenses that exceed the amount 2097
fixed pursuant to division (A)(3) of this section. 2098

The fees and expenses approved by the court shall not be 2099
taxed as part of the costs and shall be paid by the county. 2100
However, if the person represented has, or may reasonably be 2101
expected to have, the means to meet some part of the cost of the 2102
services rendered to the person, the person shall pay the county 2103
an amount that the person reasonably can be expected to pay. 2104
Pursuant to section 120.04 of the Revised Code, the county shall 2105
pay to the state public defender a percentage of the payment 2106
received from the person in an amount proportionate to the 2107
percentage of the costs of the person's case that were paid to the 2108
county by the state public defender pursuant to this section. The 2109
money paid to the state public defender shall be credited to the 2110
client payment fund created pursuant to division (B)(5) of section 2111
120.04 of the Revised Code. 2112

The county auditor shall draw a warrant on the county 2113
treasurer for the payment of counsel in the amount fixed by the 2114
court, plus the expenses the court fixes and certifies to the 2115
auditor. The county auditor shall report periodically, but not 2116
less than annually, to the board of county commissioners and to 2117
the ~~Ohio state~~ state public defender ~~commission~~ the amounts paid out 2118
pursuant to the approval of the court. The board of county 2119
commissioners, after review and approval of the auditor's report, 2120
or the county auditor, with permission from and notice to the 2121
board of county commissioners, may then certify it to the state 2122
public defender for reimbursement. If a request for reimbursement 2123
is not accompanied by a financial disclosure form and an affidavit 2124
of indigency completed by the indigent person on forms prescribed 2125
by the state public defender and the court does not certify by 2126
electronic signature as prescribed by the state public defender 2127
that a financial disclosure form and affidavit of indigency have 2128
been completed by the indigent person and are available for 2129
inspection, the state public defender shall not pay the requested 2130
reimbursement. If a request for the reimbursement of the cost of 2131

counsel in any case is not received by the state public defender 2132
within ninety days after the end of the calendar month in which 2133
the case is finally disposed of by the court, unless the county 2134
has requested and the state public defender has granted an 2135
extension of the ninety-day limit, the state public defender shall 2136
not pay the requested reimbursement. The state public defender 2137
shall also review the report and, in accordance with the 2138
standards, guidelines, and maximums established pursuant to 2139
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2140
prepare a voucher for fifty per cent of the total cost of each 2141
county appointed counsel system in the period of time covered by 2142
the certified report and a voucher for fifty per cent of the costs 2143
and expenses that are reimbursable under section 120.35 of the 2144
Revised Code, if any, or, if the amount of money appropriated by 2145
the general assembly to reimburse counties for the operation of 2146
county public defender offices, joint county public defender 2147
offices, and county appointed counsel systems is not sufficient to 2148
pay fifty per cent of the total cost of all of the offices and 2149
systems other than costs and expenses that are reimbursable under 2150
section 120.35 of the Revised Code, for the lesser amount required 2151
by section 120.34 of the Revised Code. 2152

(5) If any county appointed counsel system fails to maintain 2153
the standards for the conduct of the system established by the 2154
rules of the Ohio public defender commission pursuant to divisions 2155
(B) and (C) of section 120.03 or the standards established by the 2156
state public defender pursuant to division (B)(7) of section 2157
120.04 of the Revised Code, the Ohio public defender commission 2158
shall notify the board of county commissioners of the county that 2159
the county appointed counsel system has failed to comply with its 2160
rules or the standards of the state public defender. Unless the 2161
board of county commissioners corrects the conduct of its 2162
appointed counsel system to comply with the rules and standards 2163
within ninety days after the date of the notice, the state public 2164

defender may deny all or part of the county's reimbursement from 2165
the state provided for in division (A)(4) of this section. 2166

(B) In lieu of using a county public defender or joint county 2167
public defender to represent indigent persons in the proceedings 2168
set forth in division (A) of section 120.16 of the Revised Code, 2169
and in lieu of adopting the resolution and following the procedure 2170
described in division (A) of this section, the board of county 2171
commissioners of any county may contract with the state public 2172
defender for the state public defender's legal representation of 2173
indigent persons. A contract entered into pursuant to this 2174
division may provide for payment for the services provided on a 2175
per case, hourly, or fixed contract basis. 2176

(C) If a court appoints an attorney pursuant to this section 2177
to represent a petitioner in a postconviction relief proceeding 2178
under section 2953.21 of the Revised Code, the petitioner has 2179
received a sentence of death, and the proceeding relates to that 2180
sentence, the attorney who represents the petitioner in the 2181
proceeding pursuant to the appointment shall be certified under 2182
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 2183
represent indigent defendants charged with or convicted of an 2184
offense for which the death penalty can be or has been imposed. 2185

Sec. 122.011. (A) The department of development shall develop 2186
and promote plans and programs designed to assure that state 2187
resources are efficiently used, economic growth is properly 2188
balanced, community growth is developed in an orderly manner, and 2189
local governments are coordinated with each other and the state, 2190
and for such purposes may do all of the following: 2191

(1) Serve as a clearinghouse for information, data, and other 2192
materials that may be helpful or necessary to persons or local 2193
governments, as provided in section 122.07 of the Revised Code; 2194

(2) Prepare and activate plans for the retention, 2195

development, expansion, and use of the resources and commerce of	2196
the state, as provided in section 122.04 of the Revised Code;	2197
(3) Assist and cooperate with federal, state, and local	2198
governments and agencies of federal, state, and local governments	2199
in the coordination of programs to carry out the functions and	2200
duties of the department;	2201
(4) Encourage and foster research and development activities,	2202
conduct studies related to the solution of community problems, and	2203
develop recommendations for administrative or legislative actions,	2204
as provided in section 122.03 of the Revised Code;	2205
(5) Serve as the economic and community development planning	2206
agency, which shall prepare and recommend plans and programs for	2207
the orderly growth and development of this state and which shall	2208
provide planning assistance, as provided in section 122.06 of the	2209
Revised Code;	2210
(6) Cooperate with and provide technical assistance to state	2211
departments, political subdivisions, regional and local planning	2212
commissions, tourist associations, councils of government,	2213
community development groups, community action agencies, and other	2214
appropriate organizations for carrying out the functions and	2215
duties of the department or for the solution of community	2216
problems;	2217
(7) Coordinate the activities of state agencies that have an	2218
impact on carrying out the functions and duties of the department;	2219
(8) Encourage and assist the efforts of and cooperate with	2220
local governments to develop mutual and cooperative solutions to	2221
their common problems that relate to carrying out the purposes of	2222
this section;	2223
(9) Study existing structure, operations, and financing of	2224
regional or local government and those state activities that	2225
involve significant relations with regional or local governmental	2226

units, recommend to the governor and to the general assembly such 2227
changes in these provisions and activities as will improve the 2228
operations of regional or local government, and conduct other 2229
studies of legal provisions that affect problems related to 2230
carrying out the purposes of this section; 2231

(10) Create and operate a division of community development 2232
to develop and administer programs and activities that are 2233
authorized by federal statute or the Revised Code; 2234

(11) Until October 15, 2007, establish fees and charges, in 2235
consultation with the director of agriculture, for purchasing 2236
loans from financial institutions and providing loan guarantees 2237
under the family farm loan program created under sections 901.80 2238
to 901.83 of the Revised Code; 2239

(12) Provide loan servicing for the loans purchased and loan 2240
guarantees provided under section 901.80 of the Revised Code as 2241
that section existed prior to October 15, 2007; 2242

(13) Until October 15, 2007, and upon approval by the 2243
controlling board under division (A)(3) of section 901.82 of the 2244
Revised Code of the release of money to be used for purchasing a 2245
loan or providing a loan guarantee, request the release of that 2246
money in accordance with division (B) of section 166.03 of the 2247
Revised Code for use for the purposes of the fund created by 2248
section 166.031 of the Revised Code; 2249

(14) Assess fees related to the federal brownfield revolving 2250
loan fund program that is established under the "Comprehensive 2251
Environmental Response, Compensation, and Liability Act of 1980," 2252
115 Stat. 2356, 42 U.S.C. 9601, as amended, and that is 2253
administered by the department. 2254

(B) The director of development may request the attorney 2255
general to, and the attorney general, in accordance with section 2256
109.02 of the Revised Code, shall bring a civil action in any 2257

court of competent jurisdiction. The director may be sued in the 2258
director's official capacity, in connection with this chapter, in 2259
accordance with Chapter 2743. of the Revised Code. 2260

Sec. 122.014. If data or other information collected by the 2261
department of development indicates that there is a critical 2262
workforce shortage in an emerging growth industry in the state, 2263
the director of development may notify the governor and the 2264
chancellor of the Ohio board of regents of the shortage for the 2265
purpose of activating the critical needs rapid response system 2266
developed under section 3333.50 of the Revised Code. 2267

Sec. 122.051. There is hereby created in the state treasury 2268
the international trade cooperative projects fund. The fund shall 2269
consist of moneys received from private and nonprofit 2270
organizations involved in cooperative agreements related to 2271
import/export and direct foreign investment activities and cash 2272
transfers from other state agencies or any state or local 2273
government to encourage, promote, and assist trade and commerce 2274
between this state and foreign nations, pursuant to section 122.05 2275
and division (E) of section 122.04 of the Revised Code. 2276

Sec. 122.071. There is hereby created in the state treasury 2277
the travel and tourism cooperative projects fund consisting of all 2278
grants, gifts, and contributions made to the director of 2279
development for marketing and promotion of travel and tourism 2280
within this state pursuant to division (F) of section 122.04 and 2281
section 122.07 of the Revised Code. 2282

Sec. 122.076. There is hereby created in the state treasury 2283
the energy projects fund consisting of nonfederal revenue that is 2284
remitted to the director of development for the purpose of energy 2285
projects. Money in the fund shall be used by the department of 2286

development for energy projects and to pay the costs incurred in 2287
administering the energy projects. 2288

Sec. 122.17. (A) As used in this section: 2289

(1) "Full-time employee" means an individual who is employed 2290
for consideration for at least an average of thirty-five hours a 2291
week or who renders any other standard of service generally 2292
accepted by custom or specified by contract as full-time 2293
employment, or who is employed for consideration for such time or 2294
renders such service but is on active duty reserve or Ohio 2295
national guard service. 2296

(2) "New employee" means one of the following: 2297

(a) A full-time employee first employed by a taxpayer in the 2298
project that is the subject of the agreement after the taxpayer 2299
enters into a tax credit agreement with the tax credit authority 2300
under this section; 2301

(b) A full-time employee first employed by a taxpayer in the 2302
project that is the subject of the tax credit after the tax credit 2303
authority approves a project for a tax credit under this section 2304
in a public meeting, as long as the taxpayer enters into the tax 2305
credit agreement prepared by the department of development after 2306
such meeting within sixty days after receiving the agreement from 2307
the department. If the taxpayer fails to enter into the agreement 2308
within sixty days, "new employee" has the same meaning as under 2309
division (A)(2)(a) of this section. A full-time employee may be 2310
considered a "new employee" of a taxpayer, despite previously 2311
having been employed by a related member of the taxpayer, if all 2312
of the following apply: 2313

(i) The related member is a party to the tax credit agreement 2314
at the time the employee is first employed with the taxpayer; 2315

(ii) The related member will remain subject to the tax 2316

imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2317
under Chapter 5751. of the Revised Code for the remainder of the 2318
term of the tax credit, and the tax credit is taken against 2319
liability for that same tax through the remainder of the term of 2320
the tax credit; and 2321

(iii) The employee was considered a new employee of the 2322
related member prior to employment with the taxpayer. 2323

Under division (A)(2)(a) or (b) of this section, if the tax 2324
credit authority determines it appropriate, "new employee" also 2325
may include an employee re-hired or called back from lay-off to 2326
work in a new facility or on a new product or service established 2327
or produced by the taxpayer after entering into the agreement 2328
under this section or after the tax credit authority approves the 2329
tax credit in a public meeting. Except as otherwise provided in 2330
this paragraph, "new employee" does not include any employee of 2331
the taxpayer who was previously employed in this state by a 2332
related member of the taxpayer and whose employment was shifted to 2333
the taxpayer after the taxpayer entered into the tax credit 2334
agreement or after the tax credit authority approved the credit in 2335
a public meeting, or any employee of the taxpayer for which the 2336
taxpayer has been granted a certificate under division (B) of 2337
section 5709.66 of the Revised Code. However, if the taxpayer is 2338
engaged in the enrichment and commercialization of uranium or 2339
uranium products or is engaged in research and development 2340
activities related thereto and if the tax credit authority 2341
determines it appropriate, "new employee" may include an employee 2342
of the taxpayer who was previously employed in this state by a 2343
related member of the taxpayer and whose employment was shifted to 2344
the taxpayer after the taxpayer entered into the tax credit 2345
agreement or after the tax credit authority approved the credit in 2346
a public meeting. "New employee" does not include an employee of 2347
the taxpayer who is employed in an employment position that was 2348

relocated to a project from other operations of the taxpayer in 2349
this state or from operations of a related member of the taxpayer 2350
in this state. In addition, "new employee" does not include a 2351
child, grandchild, parent, or spouse, other than a spouse who is 2352
legally separated from the individual, of any individual who is an 2353
employee of the taxpayer and who has a direct or indirect 2354
ownership interest of at least five per cent in the profits, 2355
capital, or value of the taxpayer. Such ownership interest shall 2356
be determined in accordance with section 1563 of the Internal 2357
Revenue Code and regulations prescribed thereunder. 2358

(3) "New income tax revenue" means the total amount withheld 2359
under section 5747.06 of the Revised Code by the taxpayer during 2360
the taxable year, or during the calendar year that includes the 2361
tax period, from the compensation of new employees for the tax 2362
levied under Chapter 5747. of the Revised Code. 2363

(4) "Related member" has the same meaning as under division 2364
(A)(6) of section 5733.042 of the Revised Code without regard to 2365
division (B) of that section. 2366

(B) The tax credit authority may make grants under this 2367
section to foster job creation in this state. Such a grant shall 2368
take the form of a refundable credit allowed against the tax 2369
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2370
under Chapter 5751. of the Revised Code. The credit shall be 2371
claimed for the taxable years or tax periods specified in the 2372
taxpayer's agreement with the tax credit authority under division 2373
(D) of this section. With respect to taxes imposed under section 2374
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 2375
credit shall be claimed in the order required under section 2376
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 2377
the credit available for a taxable year or for a calendar year 2378
that includes a tax period equals the new income tax revenue for 2379
that year multiplied by the percentage specified in the agreement 2380

with the tax credit authority. Any credit granted under this 2381
section against the tax imposed by section 5733.06 or 5747.02 of 2382
the Revised Code, to the extent not fully utilized against such 2383
tax for taxable years ending prior to 2008, shall automatically be 2384
converted without any action taken by the tax credit authority to 2385
a credit against the tax levied under Chapter 5751. of the Revised 2386
Code for tax periods beginning on or after July 1, 2008, provided 2387
that the person to whom the credit was granted is subject to such 2388
tax. The converted credit shall apply to those calendar years in 2389
which the remaining taxable years specified in the agreement end. 2390

(C) A taxpayer or potential taxpayer who proposes a project 2391
to create new jobs in this state may apply to the tax credit 2392
authority to enter into an agreement for a tax credit under this 2393
section. The director of development shall prescribe the form of 2394
the application. After receipt of an application, the authority 2395
may enter into an agreement with the taxpayer for a credit under 2396
this section if it determines all of the following: 2397

(1) The taxpayer's project will create new jobs in this 2398
state; 2399

(2) The taxpayer's project is economically sound and will 2400
benefit the people of this state by increasing opportunities for 2401
employment and strengthening the economy of this state; 2402

(3) Receiving the tax credit is a major factor in the 2403
taxpayer's decision to go forward with the project. 2404

(D) An agreement under this section shall include all of the 2405
following: 2406

(1) A detailed description of the project that is the subject 2407
of the agreement; 2408

(2) The term of the tax credit, which shall not exceed 2409
fifteen years, and the first taxable year, or first calendar year 2410
that includes a tax period, for which the credit may be claimed; 2411

(3) A requirement that the taxpayer shall maintain operations 2412
at the project location for at least twice the number of years as 2413
the term of the tax credit; 2414

(4) The percentage, as determined by the tax credit 2415
authority, of new income tax revenue that will be allowed as the 2416
amount of the credit for each taxable year or for each calendar 2417
year that includes a tax period; 2418

(5) A specific method for determining how many new employees 2419
are employed during a taxable year or during a calendar year that 2420
includes a tax period; 2421

(6) A requirement that the taxpayer annually shall report to 2422
the director of development the number of new employees, the new 2423
income tax revenue withheld in connection with the new employees, 2424
and any other information the director needs to perform the 2425
director's duties under this section; 2426

(7) A requirement that the director of development annually 2427
shall verify the amounts reported under division (D)(6) of this 2428
section, and after doing so shall issue a certificate to the 2429
taxpayer stating that the amounts have been verified; 2430

(8)(a) A provision requiring that the taxpayer, except as 2431
otherwise provided in division (D)(8)(b) of this section, shall 2432
not relocate employment positions from elsewhere in this state to 2433
the project site that is the subject of the agreement for the 2434
lesser of five years from the date the agreement is entered into 2435
or the number of years the taxpayer is entitled to claim the tax 2436
credit. 2437

(b) The taxpayer may relocate employment positions from 2438
elsewhere in this state to the project site that is the subject of 2439
the agreement if the director of development determines both of 2440
the following: 2441

(i) That the site from which the employment positions would 2442

be relocated is inadequate to meet market and industry conditions, 2443
expansion plans, consolidation plans, or other business 2444
considerations affecting the taxpayer; 2445

(ii) That the legislative authority of the county, township, 2446
or municipal corporation from which the employment positions would 2447
be relocated has been notified of the relocation. 2448

For purposes of this section, the movement of an employment 2449
position from one political subdivision to another political 2450
subdivision shall be considered a relocation of an employment 2451
position, but the transfer of an individual employee from one 2452
political subdivision to another political subdivision shall not 2453
be considered a relocation of an employment position as long as 2454
the individual's employment position in the first political 2455
subdivision is refilled. 2456

(E) If a taxpayer fails to meet or comply with any condition 2457
or requirement set forth in a tax credit agreement, the tax credit 2458
authority may amend the agreement to reduce the percentage or term 2459
of the tax credit. The reduction of the percentage or term shall 2460
take effect (1) in the taxable year immediately following the 2461
taxable year in which the authority amends the agreement or the 2462
director of development notifies the taxpayer in writing of such 2463
failure, or (2) in the first tax period beginning in the calendar 2464
year immediately following the calendar year in which the 2465
authority amends the agreement or the director notifies the 2466
taxpayer in writing of such failure. If the taxpayer fails to 2467
annually report any of the information required by division (D)(6) 2468
of this section within the time required by the director, the 2469
reduction of the percentage or term may take effect in the current 2470
taxable year. If the taxpayer relocates employment positions in 2471
violation of the provision required under division (D)(8)(a) of 2472
this section, the taxpayer shall not claim the tax credit under 2473
section 5733.0610 of the Revised Code for any tax years following 2474

the calendar year in which the relocation occurs, or shall not 2475
claim the tax credit under section 5725.32, 5729.032, or 5747.058 2476
of the Revised Code for the taxable year in which the relocation 2477
occurs and any subsequent taxable years, and shall not claim the 2478
tax credit under division (A) of section 5751.50 of the Revised 2479
Code for any tax period in the calendar year in which the 2480
relocation occurs and any subsequent tax periods. 2481

(F) Projects that consist solely of point-of-final-purchase 2482
retail facilities are not eligible for a tax credit under this 2483
section. If a project consists of both point-of-final-purchase 2484
retail facilities and nonretail facilities, only the portion of 2485
the project consisting of the nonretail facilities is eligible for 2486
a tax credit and only the new income tax revenue from new 2487
employees of the nonretail facilities shall be considered when 2488
computing the amount of the tax credit. If a warehouse facility is 2489
part of a point-of-final-purchase retail facility and supplies 2490
only that facility, the warehouse facility is not eligible for a 2491
tax credit. Catalog distribution centers are not considered 2492
point-of-final-purchase retail facilities for the purposes of this 2493
division, and are eligible for tax credits under this section. 2494

(G) Financial statements and other information submitted to 2495
the department of development or the tax credit authority by an 2496
applicant or recipient of a tax credit under this section, and any 2497
information taken for any purpose from such statements or 2498
information, are not public records subject to section 149.43 of 2499
the Revised Code. However, the chairperson of the authority may 2500
make use of the statements and other information for purposes of 2501
issuing public reports or in connection with court proceedings 2502
concerning tax credit agreements under this section. Upon the 2503
request of the tax commissioner or, if the applicant or recipient 2504
is an insurance company, upon the request of the superintendent of 2505
insurance, the chairperson of the authority shall provide to the 2506

commissioner or superintendent any statement or information 2507
submitted by an applicant or recipient of a tax credit in 2508
connection with the credit. The commissioner or superintendent 2509
shall preserve the confidentiality of the statement or 2510
information. 2511

(H) A taxpayer claiming a credit under this section shall 2512
submit to the tax commissioner or, if the taxpayer is an insurance 2513
company, to the superintendent of insurance, a copy of the 2514
director of development's certificate of verification under 2515
division (D)(7) of this section with the taxpayer's tax report or 2516
return for the taxable year or for the calendar year that includes 2517
the tax period. Failure to submit a copy of the certificate with 2518
the report or return does not invalidate a claim for a credit if 2519
the taxpayer submits a copy of the certificate to the commissioner 2520
or superintendent within sixty days after the commissioner or 2521
superintendent requests it. 2522

(I) The director of development, after consultation with the 2523
tax commissioner and the superintendent of insurance and in 2524
accordance with Chapter 119. of the Revised Code, shall adopt 2525
rules necessary to implement this section. The rules may provide 2526
for recipients of tax credits under this section to be charged 2527
fees to cover administrative costs of the tax credit program. The 2528
fees collected shall be credited to the tax incentive programs 2529
operating fund created in section 122.174 of the Revised Code. At 2530
the time the director gives public notice under division (A) of 2531
section 119.03 of the Revised Code of the adoption of the rules, 2532
the director shall submit copies of the proposed rules to the 2533
chairpersons of the standing committees on economic development in 2534
the senate and the house of representatives. 2535

(J) For the purposes of this section, a taxpayer may include 2536
a partnership, a corporation that has made an election under 2537
subchapter S of chapter one of subtitle A of the Internal Revenue 2538

Code, or any other business entity through which income flows as a 2539
distributive share to its owners. A ~~credit received under this~~ 2540
~~section by a~~ partnership, S-corporation, or other such business 2541
entity ~~shall be apportioned among~~ may elect to pass the credit 2542
received under this section through to the persons to whom the 2543
income or profit of the partnership, S-corporation, or other 2544
entity is distributed⁷. The election shall be made on the annual 2545
report required under division (D)(6) of this section. The 2546
election applies to and is irrevocable for the credit for which 2547
the report is submitted. If the election is made, the credit shall 2548
be apportioned among those persons in the same proportions as 2549
those in which the income or profit is distributed. 2550

(K) If the director of development determines that a taxpayer 2551
who has received a credit under this section is not complying with 2552
the requirement under division (D)(3) of this section, the 2553
director shall notify the tax credit authority of the 2554
noncompliance. After receiving such a notice, and after giving the 2555
taxpayer an opportunity to explain the noncompliance, the tax 2556
credit authority may require the taxpayer to refund to this state 2557
a portion of the credit in accordance with the following: 2558

(1) If the taxpayer maintained operations at the project 2559
location for at least one and one-half times the number of years 2560
of the term of the tax credit, an amount not exceeding twenty-five 2561
per cent of the sum of any previously allowed credits under this 2562
section; 2563

(2) If the taxpayer maintained operations at the project 2564
location for at least the number of years of the term of the tax 2565
credit, an amount not exceeding fifty per cent of the sum of any 2566
previously allowed credits under this section; 2567

(3) If the taxpayer maintained operations at the project 2568
location for less than the number of years of the term of the tax 2569
credit, an amount not exceeding one hundred per cent of the sum of 2570

any previously allowed credits under this section. 2571

In determining the portion of the tax credit to be refunded 2572
to this state, the tax credit authority shall consider the effect 2573
of market conditions on the taxpayer's project and whether the 2574
taxpayer continues to maintain other operations in this state. 2575
After making the determination, the authority shall certify the 2576
amount to be refunded to the tax commissioner or superintendent of 2577
insurance, as appropriate. If the amount is certified to the 2578
commissioner, the commissioner shall make an assessment for that 2579
amount against the taxpayer under Chapter 5733., 5747., or 5751. 2580
of the Revised Code. If the amount is certified to the 2581
superintendent, the superintendent shall make an assessment for 2582
that amount against the taxpayer under Chapter 5725. or 5729. of 2583
the Revised Code. The time limitations on assessments under those 2584
chapters do not apply to an assessment under this division, but 2585
the commissioner or superintendent, as appropriate, shall make the 2586
assessment within one year after the date the authority certifies 2587
to the commissioner or superintendent the amount to be refunded. 2588

(L) On or before the thirty-first day of March each year, the 2589
director of development shall submit a report to the governor, the 2590
president of the senate, and the speaker of the house of 2591
representatives on the tax credit program under this section. The 2592
report shall include information on the number of agreements that 2593
were entered into under this section during the preceding calendar 2594
year, a description of the project that is the subject of each 2595
such agreement, and an update on the status of projects under 2596
agreements entered into before the preceding calendar year. 2597

(M) There is hereby created the tax credit authority, which 2598
consists of the director of development and four other members 2599
appointed as follows: the governor, the president of the senate, 2600
and the speaker of the house of representatives each shall appoint 2601
one member who shall be a specialist in economic development; the 2602

governor also shall appoint a member who is a specialist in 2603
taxation. Of the initial appointees, the members appointed by the 2604
governor shall serve a term of two years; the members appointed by 2605
the president of the senate and the speaker of the house of 2606
representatives shall serve a term of four years. Thereafter, 2607
terms of office shall be for four years. Initial appointments to 2608
the authority shall be made within thirty days after January 13, 2609
1993. Each member shall serve on the authority until the end of 2610
the term for which the member was appointed. Vacancies shall be 2611
filled in the same manner provided for original appointments. Any 2612
member appointed to fill a vacancy occurring prior to the 2613
expiration of the term for which the member's predecessor was 2614
appointed shall hold office for the remainder of that term. 2615
Members may be reappointed to the authority. Members of the 2616
authority shall receive their necessary and actual expenses while 2617
engaged in the business of the authority. The director of 2618
development shall serve as chairperson of the authority, and the 2619
members annually shall elect a vice-chairperson from among 2620
themselves. Three members of the authority constitute a quorum to 2621
transact and vote on the business of the authority. The majority 2622
vote of the membership of the authority is necessary to approve 2623
any such business, including the election of the vice-chairperson. 2624

The director of development may appoint a professional 2625
employee of the department of development to serve as the 2626
director's substitute at a meeting of the authority. The director 2627
shall make the appointment in writing. In the absence of the 2628
director from a meeting of the authority, the appointed substitute 2629
shall serve as chairperson. In the absence of both the director 2630
and the director's substitute from a meeting, the vice-chairperson 2631
shall serve as chairperson. 2632

(N) For purposes of the credits granted by this section 2633
against the taxes imposed under sections 5725.18 and 5729.03 of 2634

the Revised Code, "taxable year" means the period covered by the 2635
taxpayer's annual statement to the superintendent of insurance. 2636

Sec. 122.171. (A) As used in this section: 2637

(1) "Capital investment project" means a plan of investment 2638
at a project site for the acquisition, construction, renovation, 2639
or repair of buildings, machinery, or equipment, or for 2640
capitalized costs of basic research and new product development 2641
determined in accordance with generally accepted accounting 2642
principles, but does not include any of the following: 2643

(a) Payments made for the acquisition of personal property 2644
through operating leases; 2645

(b) Project costs paid before January 1, 2002; 2646

(c) Payments made to a related member as defined in section 2647
5733.042 of the Revised Code or to an elected consolidated 2648
taxpayer or a combined taxpayer as defined in section 5751.01 of 2649
the Revised Code. 2650

(2) "Eligible business" means a business with Ohio operations 2651
satisfying all of the following: 2652

(a) Employed an average of at least one thousand employees in 2653
full-time employment positions at a project site during each of 2654
the twelve months preceding the application for a tax credit under 2655
this section; and 2656

(b) On or after January 1, 2002, has made payments for the 2657
capital investment project of either of the following: 2658

(i) At least two hundred million dollars in the aggregate at 2659
the project site during a period of three consecutive calendar 2660
years including the calendar year that includes a day of the 2661
taxpayer's taxable year or tax period with respect to which the 2662
credit is granted; 2663

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

(c) Is engaged at the project site primarily as a manufacturer or is providing significant corporate administrative functions;

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

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

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

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

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

(a)(i) For the entire taxable year immediately preceding the

tax year, the corporation develops software applications primarily 2695
to provide telecommunication billing and information services 2696
through outsourcing or licensing to domestic or international 2697
customers. 2698

(ii) Sales and licensing of software generated at least six 2699
hundred million dollars in revenue during the taxable year 2700
immediately preceding the tax year the corporation is first 2701
entitled to claim the credit provided under division (B) of this 2702
section. 2703

(b) For the entire taxable year immediately preceding the tax 2704
year, the corporation or one or more of its related members 2705
provides customer or employee care and technical support for 2706
clients through one or more contact centers within this state, and 2707
the corporation and its related members together have a daily 2708
average, based on a three-hundred-sixty-five-day year, of at least 2709
five hundred thousand successful customer contacts through one or 2710
more of their contact centers, wherever located. 2711

(c) The corporation is eligible for the credit under division 2712
(B) of this section for the tax year. 2713

(7) "Related member" has the same meaning as in section 2714
5733.042 of the Revised Code as that section existed on the 2715
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 2716
general assembly, September 29, 1997. 2717

(8) "Successful customer contact" means a contact with an end 2718
user via telephone, including interactive voice recognition or 2719
similar means, where the contact culminates in a conversation or 2720
connection other than a busy signal or equipment busy. 2721

(9) "Telecommunications" means all forms of 2722
telecommunications service as defined in section 5739.01 of the 2723
Revised Code, and includes services in wireless, wireline, cable, 2724
broadband, internet protocol, and satellite. 2725

(10)(a) "Applicable difference" means the difference between 2726
the tax for the tax year under Chapter 5733. of the Revised Code 2727
applying the law in effect for that tax year, and the tax for that 2728
tax year if section 5733.042 of the Revised Code applied as that 2729
section existed on the effective date of its amendment by Am. Sub. 2730
H.B. 215 of the 122nd general assembly, September 29, 1997, 2731
subject to division (A)(10)(b) of this section. 2732

(b) If the tax rate set forth in division (B) of section 2733
5733.06 of the Revised Code for the tax year is less than eight 2734
and one-half per cent, the tax calculated under division 2735
(A)(10)(a) of this section shall be computed by substituting a tax 2736
rate of eight and one-half per cent for the rate set forth in 2737
division (B) of section 5733.06 of the Revised Code for the tax 2738
year. 2739

(c) If the resulting difference is negative, the applicable 2740
tax difference for the tax year shall be zero. 2741

(B) The tax credit authority created under section 122.17 of 2742
the Revised Code may grant tax credits under this section for the 2743
purpose of fostering job retention in this state. Upon application 2744
by an eligible business and upon consideration of the 2745
recommendation of the director of budget and management, tax 2746
commissioner, and director of development under division (C) of 2747
this section, the tax credit authority may grant to an eligible 2748
business a nonrefundable credit against the tax imposed by section 2749
5733.06 or 5747.02 of the Revised Code for a period up to fifteen 2750
taxable years and against the tax levied by Chapter 5751. of the 2751
Revised Code for a period of up to fifteen calendar years. The 2752
credit shall be in an amount not exceeding seventy-five per cent 2753
of the Ohio income tax withheld from the employees of the eligible 2754
business occupying full-time employment positions at the project 2755
site during the calendar year that includes the last day of such 2756
business' taxable year or tax period with respect to which the 2757

credit is granted. The amount of the credit shall not be based on 2758
the Ohio income tax withheld from full-time employees for a 2759
calendar year prior to the calendar year in which the minimum 2760
investment requirement referred to in division (A)(2)(b) of this 2761
section is completed. The credit shall be claimed only for the 2762
taxable years or tax periods specified in the eligible business' 2763
agreement with the tax credit authority under division (E) of this 2764
section, but in no event shall the credit be claimed for a taxable 2765
year or tax period terminating before the date specified in the 2766
agreement. Any credit granted under this section against the tax 2767
imposed by section 5733.06 or 5747.02 of the Revised Code, to the 2768
extent not fully utilized against such tax for taxable years 2769
ending prior to 2008, shall automatically be converted without any 2770
action taken by the tax credit authority to a credit against the 2771
tax levied under Chapter 5751. of the Revised Code for tax periods 2772
beginning on or after July 1, 2008, provided that the person to 2773
whom the credit was granted is subject to such tax. The converted 2774
credit shall apply to those calendar years in which the remaining 2775
taxable years specified in the agreement end. 2776

The credit computed under this division is in addition to any 2777
credit allowed under division (M) of this section which the tax 2778
credit authority may also include in the agreement. 2779

Any unused portion of a tax credit may be carried forward for 2780
not more than three additional years after the year for which the 2781
credit is granted. 2782

(C) A taxpayer that proposes a capital investment project to 2783
retain jobs in this state may apply to the tax credit authority to 2784
enter into an agreement for a tax credit under this section. The 2785
director of development shall prescribe the form of the 2786
application. After receipt of an application, the authority shall 2787
forward copies of the application to the director of budget and 2788
management, the tax commissioner, and the director of development, 2789

each of whom shall review the application to determine the 2790
economic impact the proposed project would have on the state and 2791
the affected political subdivisions and shall submit a summary of 2792
their determinations and recommendations to the authority. 2793

(D) Upon review of the determinations and recommendations 2794
described in division (C) of this section, the tax credit 2795
authority may enter into an agreement with the taxpayer for a 2796
credit under this section if the authority determines all of the 2797
following: 2798

(1) The taxpayer's capital investment project will result in 2799
the retention of full-time employment positions in this state. 2800

(2) The taxpayer is economically sound and has the ability to 2801
complete the proposed capital investment project. 2802

(3) The taxpayer intends to and has the ability to maintain 2803
operations at the project site for at least twice the term of the 2804
credit. 2805

(4) Receiving the credit is a major factor in the taxpayer's 2806
decision to begin, continue with, or complete the project. 2807

(5) The political subdivisions in which the project is 2808
located have agreed to provide substantial financial support to 2809
the project. 2810

(E) An agreement under this section shall include all of the 2811
following: 2812

(1) A detailed description of the project that is the subject 2813
of the agreement, including the amount of the investment, the 2814
period over which the investment has been or is being made, and 2815
the number of full-time employment positions at the project site. 2816

(2) The method of calculating the number of full-time 2817
employment positions as specified in division (A)(3) of this 2818
section. 2819

(3) The term and percentage of the tax credit, and the first 2820
year for which the credit may be claimed. 2821

(4) A requirement that the taxpayer maintain operations at 2822
the project site for at least twice the number of years as the 2823
term of the credit. 2824

(5) A requirement that the taxpayer retain a specified number 2825
of full-time employment positions at the project site and within 2826
this state for the term of the credit, including a requirement 2827
that the taxpayer continue to employ at least one thousand 2828
employees in full-time employment positions at the project site 2829
during the entire term of any agreement, subject to division 2830
(E)(7) of this section. 2831

(6) A requirement that the taxpayer annually report to the 2832
director of development the number of full-time employment 2833
positions subject to the credit, the amount of tax withheld from 2834
employees in those positions, the amount of the payments made for 2835
the capital investment project, and any other information the 2836
director needs to perform the director's duties under this 2837
section. 2838

(7) A requirement that the director of development annually 2839
review the annual reports of the taxpayer to verify the 2840
information reported under division (E)(6) of this section and 2841
compliance with the agreement. Upon verification, the director 2842
shall issue a certificate to the taxpayer stating that the 2843
information has been verified and identifying the amount of the 2844
credit for the taxable year. Unless otherwise specified by the tax 2845
credit authority in a resolution and included as part of the 2846
agreement, the director shall not issue a certificate for any year 2847
in which the total number of filled full-time employment positions 2848
for each day of the calendar year divided by three hundred 2849
sixty-five is less than ninety per cent of the full-time 2850
employment positions specified in division (E)(5) of this section. 2851

In determining the number of full-time employment positions, no position shall be counted that is filled by an employee who is included in the calculation of a tax credit under section 122.17 of the Revised Code.

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

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

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

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

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

(9) A waiver by the taxpayer of any limitations periods 2883
relating to assessments or adjustments resulting from the 2884
taxpayer's failure to comply with the agreement. 2885

(F) If a taxpayer fails to meet or comply with any condition 2886
or requirement set forth in a tax credit agreement, the tax credit 2887
authority may amend the agreement to reduce the percentage or term 2888
of the credit. The reduction of the percentage or term shall take 2889
effect (1) in the taxable year immediately following the taxable 2890
year in which the authority amends the agreement or the director 2891
of development notifies the taxpayer in writing of such failure, 2892
or (2) in the first tax period beginning in the calendar year 2893
immediately following the calendar year in which the authority 2894
amends the agreement or the director notifies the taxpayer in 2895
writing of such failure. If the taxpayer fails to annually report 2896
any of the information required by division (E)(6) of this section 2897
within the time required by the director, the reduction of the 2898
percentage or term may take effect in the current taxable year. If 2899
the taxpayer relocates employment positions in violation of the 2900
provision required under division (D)(8)(a) of this section, the 2901
taxpayer shall not claim the tax credit under section 5733.0610 of 2902
the Revised Code for any tax years following the calendar year in 2903
which the relocation occurs, shall not claim the tax credit under 2904
section 5747.058 of the Revised Code for the taxable year in which 2905
the relocation occurs and any subsequent taxable years, and shall 2906
not claim the tax credit under division (A) of section 5751.50 of 2907
the Revised Code for the tax period in which the relocation occurs 2908
and any subsequent tax periods. 2909

(G) Financial statements and other information submitted to 2910
the department of development or the tax credit authority by an 2911
applicant for or recipient of a tax credit under this section, and 2912
any information taken for any purpose from such statements or 2913
information, are not public records subject to section 149.43 of 2914

the Revised Code. However, the chairperson of the authority may 2915
make use of the statements and other information for purposes of 2916
issuing public reports or in connection with court proceedings 2917
concerning tax credit agreements under this section. Upon the 2918
request of the tax commissioner, the chairperson of the authority 2919
shall provide to the commissioner any statement or other 2920
information submitted by an applicant for or recipient of a tax 2921
credit in connection with the credit. The commissioner shall 2922
preserve the confidentiality of the statement or other 2923
information. 2924

(H) A taxpayer claiming a tax credit under this section shall 2925
submit to the tax commissioner a copy of the director of 2926
development's certificate of verification under division (E)(7) of 2927
this section with the taxpayer's tax report or return for the 2928
taxable year or for the calendar year that includes the tax 2929
period. Failure to submit a copy of the certificate with the 2930
report or return does not invalidate a claim for a credit if the 2931
taxpayer submits a copy of the certificate to the commissioner 2932
within sixty days after the commissioner requests it. 2933

(I) For the purposes of this section, a taxpayer may include 2934
a partnership, a corporation that has made an election under 2935
subchapter S of chapter one of subtitle A of the Internal Revenue 2936
Code, or any other business entity through which income flows as a 2937
distributive share to its owners. A ~~tax credit received under this~~ 2938
~~section by a~~ partnership, S-corporation, or other such business 2939
entity ~~shall be apportioned among~~ may elect to pass the credit 2940
received under this section through to the persons to whom the 2941
income or profit of the partnership, S-corporation, or other 2942
entity is distributed⁷. The election shall be made on the annual 2943
report required under division (E)(6) of this section. The 2944
election applies to and is irrevocable for the credit for which 2945
the report is submitted. If the election is made, the credit shall 2946

be apportioned among those persons in the same proportions as 2947
those in which the income or profit is distributed. 2948

(J) If the director of development determines that a taxpayer 2949
that received a tax credit under this section is not complying 2950
with the requirement under division (E)(4) of this section, the 2951
director shall notify the tax credit authority of the 2952
noncompliance. After receiving such a notice, and after giving the 2953
taxpayer an opportunity to explain the noncompliance, the 2954
authority may terminate the agreement and require the taxpayer to 2955
refund to the state all or a portion of the credit claimed in 2956
previous years, as follows: 2957

(1) If the taxpayer maintained operations at the project site 2958
for less than the term of the credit, the amount required to be 2959
refunded shall not exceed the amount of any tax credits previously 2960
allowed and received under this section. 2961

(2) If the taxpayer maintained operations at the project site 2962
longer than the term of the credit but less than one and one-half 2963
times the term of the credit, the amount required to be refunded 2964
shall not exceed fifty per cent of the sum of any tax credits 2965
previously allowed and received under this section. 2966

(3) If the taxpayer maintained operations at the project site 2967
for at least one and one-half times the term of the credit but 2968
less than twice the term of the credit, the amount required to be 2969
refunded shall not exceed twenty-five per cent of the sum of any 2970
tax credits previously allowed and received under this section. 2971

In determining the portion of the credit to be refunded to 2972
this state, the authority shall consider the effect of market 2973
conditions on the taxpayer's project and whether the taxpayer 2974
continues to maintain other operations in this state. After making 2975
the determination, the authority shall certify the amount to be 2976
refunded to the tax commissioner. The commissioner shall make an 2977

assessment for that amount against the taxpayer under Chapter 2978
5733., 5747., or 5751. of the Revised Code. The time limitations 2979
on assessments under those chapters do not apply to an assessment 2980
under this division, but the commissioner shall make the 2981
assessment within one year after the date the authority certifies 2982
to the commissioner the amount to be refunded. 2983

If the director of development determines that a taxpayer 2984
that received a tax credit under this section has reduced the 2985
number of employees agreed to under division (E)(5) of this 2986
section by more than ten per cent, the director shall notify the 2987
tax credit authority of the noncompliance. After receiving such 2988
notice, and after providing the taxpayer an opportunity to explain 2989
the noncompliance, the authority may amend the agreement to reduce 2990
the percentage or term of the tax credit. The reduction in the 2991
percentage or term shall take effect in the taxable year, or in 2992
the calendar year that includes the tax period, in which the 2993
authority amends the agreement. 2994

(K) The director of development, after consultation with the 2995
tax commissioner and in accordance with Chapter 119. of the 2996
Revised Code, shall adopt rules necessary to implement this 2997
section. The rules may provide for recipients of tax credits under 2998
this section to be charged fees to cover administrative costs of 2999
the tax credit program. The fees collected shall be credited to 3000
the tax incentive programs operating fund created in section 3001
122.174 of the Revised Code. At the time the director gives public 3002
notice under division (A) of section 119.03 of the Revised Code of 3003
the adoption of the rules, the director shall submit copies of the 3004
proposed rules to the chairpersons of the standing committees on 3005
economic development in the senate and the house of 3006
representatives. 3007

(L) On or before the thirty-first day of March of each year, 3008
the director of development shall submit a report to the governor, 3009

the president of the senate, and the speaker of the house of 3010
representatives on the tax credit program under this section. The 3011
report shall include information on the number of agreements that 3012
were entered into under this section during the preceding calendar 3013
year, a description of the project that is the subject of each 3014
such agreement, and an update on the status of projects under 3015
agreements entered into before the preceding calendar year. 3016

(M)(1) A nonrefundable credit shall be allowed to an 3017
applicable corporation and its related members in an amount equal 3018
to the applicable difference. The credit is in addition to the 3019
credit granted to the corporation or related members under 3020
division (B) of this section. The credit is subject to divisions 3021
(B) to (E) and division (J) of this section. 3022

(2) A person qualifying as an applicable corporation under 3023
this section for a tax year does not necessarily qualify as an 3024
applicable corporation for any other tax year. No person is 3025
entitled to the credit allowed under division (M) of this section 3026
for the tax year immediately following the taxable year during 3027
which the person fails to meet the requirements in divisions 3028
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 3029
to the credit allowed under division (M) of this section for any 3030
tax year for which the person is not eligible for the credit 3031
provided under division (B) of this section. 3032

Sec. 122.174. There is hereby created in the state treasury 3033
the tax incentive programs operating fund. Money collected 3034
pursuant to division (I) of section 121.17, division (K) of 3035
section 122.171, division (C) of section 3735.672, and division 3036
(C) of section 5709.68 of the Revised Code shall be credited to 3037
the fund. The director of development shall use money in the fund 3038
to pay expenses related to the administration of the tax credit 3039
programs authorized by sections 122.17, 122.171, 3735.672, and 3040

5709.68 of the Revised Code. 3041

Sec. 122.602. (A) There is hereby created in the department 3042
of development the capital access loan program to assist 3043
participating financial institutions in making program loans to 3044
eligible businesses that face barriers in accessing working 3045
capital and obtaining fixed asset financing. In administering the 3046
program, the director of development may do any of the following: 3047

(1) Receive and accept grants, gifts, and contributions of 3048
money, property, labor, and other things of value to be held, 3049
used, and applied only for the purpose for which the grants, 3050
gifts, and contributions are made, from individuals, private and 3051
public corporations, the United States or any agency of the United 3052
States, the state or any agency of the state, or any political 3053
subdivision of the state; 3054

(2) Agree to repay any contribution of money or return any 3055
property contributed or the value of that property at the times, 3056
in the amounts, and on the terms and conditions, excluding the 3057
payment of interest, that the director consents to at the time a 3058
contribution is made; and evidence obligations by notes, bonds, or 3059
other written instruments; 3060

(3) Adopt rules under Chapter 119. of the Revised Code to 3061
carry out the purposes of the program specified in sections 122.60 3062
to 122.605 of the Revised Code; 3063

(4) Engage in all other acts, and enter into contracts and 3064
execute all instruments, necessary or appropriate to carry out the 3065
purposes specified in sections 122.60 to 122.605 of the Revised 3066
Code. 3067

(B) The director shall determine the eligibility of a 3068
financial institution to participate in the program and may set a 3069
limit on the number of financial institutions that may participate 3070

in the program. 3071

(C) To be considered eligible by the director to participate 3072
in the program, a financial institution shall enter into a 3073
participation agreement with the department that sets out the 3074
terms and conditions under which the department will deposit 3075
moneys from the fund into the financial institution's program 3076
reserve account, specifies the criteria for loan qualification 3077
under the program, and contains any additional terms the director 3078
considers necessary. 3079

(D) After receiving the certification required under division 3080
(C) of section 122.603 of the Revised Code, the director may 3081
disburse moneys from the fund to a participating financial 3082
institution for deposit in its program reserve account if the 3083
director determines that the capital access loan involved meets 3084
all of the following criteria: 3085

(1) It will be made to an eligible business. 3086

(2) It will be used by the eligible business for a project, 3087
activity, or enterprise that fosters economic development. 3088

(3) It will not be made in order to enroll in the program 3089
prior debt that is not covered under the program and that is owed 3090
or was previously owed by an eligible business to the financial 3091
institution. 3092

(4) It will not be utilized for a project or development 3093
related to the on-site construction or purchase of residential 3094
housing. 3095

(5) It will not be used to finance passive real estate 3096
ownership. 3097

(6) It conforms to the requirements of divisions (E), (F), 3098
(G), (H), and (I) of this section, and to the rules adopted by the 3099
director under division (A)(3) of this section. 3100

(E) The director shall not approve a capital access loan to an eligible business that exceeds two hundred fifty thousand dollars for working capital or five hundred thousand dollars for the purchase of fixed assets. An eligible business may apply for the maximum amount of both working capital and the purchase of fixed assets in the same capital access loan.

(F) A financial institution may apply to the director for the approval of a capital access loan to any business that is owned or operated by a person that has previously defaulted under any state financial assistance program.

(G) Eligible businesses that apply for a capital access loan shall comply with section 9.66 of the Revised Code.

(H) A financial institution may apply to the director for the approval of a capital access loan that refinances a nonprogram loan made by another financial institution.

(I) The director shall not approve a capital access loan that refinances a nonprogram loan made by the same financial institution, unless the amount of the refinanced loan exceeds the existing debt, in which case only the amount exceeding the existing debt is eligible for a loan under the program.

~~(J) The director shall not approve any capital access loan made after June 30, 2007, or enter into a participation agreement with any financial institution after that date.~~

Sec. 123.10. (A) The director of administrative services shall regulate the rate of tolls to be collected on the public works of the state, and shall fix all rentals and collect all tolls, rents, fines, commissions, fees, and other revenues arising from any source in the public works, including the sale, construction, purchase, or rental of property, except that the director shall not collect a commission or fee from a real estate

broker or the private owner when real property is leased or rented 3131
to the state. 3132

(B) There is hereby created in the state treasury the state 3133
architect's fund which shall consist of money received by the 3134
department of administrative services under division (A) of this 3135
section, fees paid under section 123.17 of the Revised Code, 3136
transfers of money to the fund authorized by the general assembly, 3137
and such amount of the investment earnings of the administrative 3138
building fund created in division (C) of this section as the 3139
director of budget and management determines to be appropriate and 3140
in excess of the amounts required to meet estimated federal 3141
arbitrage rebate requirements. Money in the fund shall be used by 3142
the department of administrative services for the following 3143
purposes: 3144

(1) To pay personnel and other administrative expenses of the 3145
department; 3146

(2) To pay the cost of conducting evaluations of public 3147
works; 3148

(3) To pay the cost of building design specifications; 3149

(4) To pay the cost of providing project management services; 3150

(5) To pay the cost of operating the local administration 3151
~~competency~~ certification program prescribed by section 123.17 of 3152
the Revised Code; 3153

(6) Any other purposes that the director of administrative 3154
services determines to be necessary for the department to execute 3155
its duties under this chapter. 3156

(C) There is hereby created in the state treasury the 3157
administrative building fund which shall consist of proceeds of 3158
obligations authorized to pay the cost of capital facilities. 3159
Except as provided in division (B) of this section, all investment 3160

earnings of the fund shall be credited to the fund. The fund shall 3161
be used to pay the cost of capital facilities designated by or 3162
pursuant to an act of the general assembly. The director of budget 3163
and management shall approve and provide a voucher for payments of 3164
amounts from the fund that represent the portion of investment 3165
earnings to be rebated or to be paid to the federal government in 3166
order to maintain the exclusion from gross income for federal 3167
income tax purposes on interest on those obligations pursuant to 3168
section 148(f) of the Internal Revenue Code. 3169

As used in this division, "capital facilities" has the same 3170
meaning as under section 152.09 of the Revised Code. 3171

Sec. 123.17. (A) As used in this section, "institution of 3172
higher education" means a state university or college, as defined 3173
in section 3345.12 of the Revised Code, or a state community 3174
college. 3175

(B) Not later than December 30, 2005, the state architect 3176
shall establish a local administration ~~competency~~ certification 3177
program to certify institutions of higher education to administer 3178
capital facilities projects pursuant to section 3345.51 of the 3179
Revised Code without the supervision, control, or approval of the 3180
department of administrative services. The program shall offer 3181
instruction in the administration of capital facilities projects 3182
for employees of institutions of higher education who are 3183
responsible for such administration and who are selected by their 3184
employing institutions to participate in the program. 3185

(C) The program shall provide instruction about the 3186
provisions of Chapters 9., 123., and 153. of the Revised Code and 3187
any rules or policies adopted by the department regarding the 3188
planning, design, and construction of capital facilities, 3189
including all of the following: 3190

(1) The planning, design, and construction process; 3191

(2) Contract requirements;	3192
(3) Construction management;	3193
(4) Project management.	3194
(D) The state architect shall award local administration	3195
competency certification to any institution of higher education if	3196
all of the following apply:	3197
(1) The institution applied for certification on a form and	3198
in a manner prescribed by the state architect.	3199
(2) The state architect determines that a sufficient number	3200
of the institution's employees, representing a sufficient number	3201
of employee classifications, responsible for the administration of	3202
capital facilities projects have successfully completed the	3203
certification program to ensure that any capital facilities	3204
project undertaken by the institution will be administered	3205
successfully and in accordance with all provisions of the Revised	3206
Code, and the board of trustees of the institution provides	3207
written assurance to the state architect that the institution will	3208
select new employees to participate in the certification program	3209
as necessary to compensate for employee turnover.	3210
(3) The state architect determines that the employees of the	3211
institution enrolled in the program demonstrate successful	3212
completion of the competency certification training and a	3213
satisfactory level of knowledge of and competency in the	3214
requirements for administering capital facilities projects.	3215
(4) The institution pays the fee prescribed by division (F)	3216
of this section.	3217
(5) <u>(4)</u> The board of trustees of the institution provides	3218
written assurance to the state architect that the institution will	3219
conduct biennial audits of the institution's administration of	3220
capital facilities projects in accordance with division (C) of	3221

section 3345.51 of the Revised Code. 3222

~~(6)~~(5) The board of trustees of the institution agrees in 3223
writing to indemnify and hold harmless the state and the 3224
department for any claim of injury, loss, or damage that results 3225
from the institution's administration of a capital facilities 3226
project. 3227

(E) Local administration ~~competency~~ certification granted 3228
under this section shall remain in effect for as long as the state 3229
architect determines that both of the following apply: 3230

(1) The institution of higher education maintains a 3231
sufficient number of employees responsible for the administration 3232
of capital facilities projects who have successfully completed the 3233
certification program ~~and have demonstrated a satisfactory level~~ 3234
~~of knowledge of and competency in the requirements for~~ 3235
~~administering capital facilities projects;~~ 3236

(2) The institution is performing the biennial audits 3237
prescribed in division (C) of section 3345.51 of the Revised Code. 3238

If the state architect determines that an institution of 3239
higher education has failed to comply with the conditions of 3240
division (E)(1) or (2) of this section, the state architect shall 3241
revoke the institution's certification and shall notify the board 3242
of trustees of the institution in writing of the revocation. 3243

(F) The state architect shall establish, subject to the 3244
approval of the director of budget and management, the amount of 3245
the fee required to be paid by any institution of higher education 3246
that seeks certification under this section. The amount of the 3247
fees shall be set to cover the costs to implement this section, 3248
including the costs for materials and the ~~competency~~ certification 3249
training sessions. Any fees received under this section shall be 3250
paid into the state treasury to the credit of the state 3251
architect's fund established under section 123.10 of the Revised 3252

Code. 3253

(G) Nothing in this section shall prohibit an institution 3254
that administers a capital facilities project under section 3255
3345.51 of the Revised Code from requesting guidance or other 3256
services from the department of administrative services. 3257

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 3258
and (3) of this section, each exempt employee shall be paid a 3259
salary or wage in accordance with schedule E-1 or schedule E-2 of 3260
division (B), (C), or (D) of this section, as applicable. 3261

(2) Each exempt employee who holds a position in the 3262
unclassified civil service pursuant to division (A)(26) or (30) of 3263
section 124.11 of the Revised Code may be paid a salary or wage in 3264
accordance with schedule E-1, schedule E-1 for step seven only, or 3265
schedule E-2 of division (B) ~~or~~, (C), (D), (E), (F), or (G) of 3266
this section, as applicable. 3267

(3)(a) Except as provided in division (A)(3)(b) of this 3268
section, each exempt employee who was paid a salary or wage at 3269
step 7 in the employee's pay range on June 28, 2003, in accordance 3270
with the applicable schedule E-1 of former section 124.152 of the 3271
Revised Code and who continued to be so paid on June 29, 2003, 3272
shall be paid a salary or wage in the corresponding pay range in 3273
schedule E-1 for step seven only of division ~~(C)~~, (E), (F), or (G) 3274
of this section, as applicable, for as long as the employee 3275
remains in the position the employee held as of July 1, 2003. 3276

(b) Except as provided in division (A)(3)(c) of this section, 3277
if an exempt employee who is being paid a salary or wage in 3278
accordance with schedule E-1 for step seven only of division 3279
~~(C)~~, (E), (F), or (G) of this section, as applicable, moves to 3280
another position, the employee shall not receive a salary or wage 3281
for that position or any other position in the future in 3282
accordance with that schedule. 3283

(c) If an exempt employee who is being paid a salary or wage 3284
in accordance with schedule E-1 for step seven only of division 3285
~~(C)(E), (F), or (G)~~ of this section, as applicable, moves to 3286
another position assigned to pay range 12 or above, the appointing 3287
authority ~~has the discretion to~~ may assign the employee to be paid 3288
a salary or wage in the appropriate pay range for that position in 3289
accordance with the applicable schedule E-1 for step seven only, 3290
provided that the appointing authority so notifies the director of 3291
administrative services in writing at the time the employee is 3292
appointed to that position. 3293

(B) Beginning on the first day of the pay period that 3294
includes July 1, 2006, each exempt employee who must be paid in 3295
accordance with schedule E-1 or schedule E-2 of this section shall 3296
be paid a salary or wage in accordance with the following schedule 3297
of rates: 3298

Schedule E-1 3299

Pay Ranges and Step Values 3300

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.40	9.82	10.24	10.68			3303
	Annually	19552	20426	21299	22214			3304
2	Hourly	11.40	11.88	12.40	12.94			3305
	Annually	23712	24710	25792	26915			3306
3	Hourly	11.94	12.48	13.03	13.60			3307
	Annually	24835	25958	27102	28288			3308
4	Hourly	12.54	13.10	13.72	14.34			3309
	Annually	26083	27248	28538	29827			3310
5	Hourly	13.15	13.75	14.34	14.97			3311
	Annually	27352	28600	29827	31138			3312
6	Hourly	13.86	14.43	15.07	15.69			3313
	Annually	28829	30014	31346	32635			3314
7	Hourly	14.72	15.27	15.88	16.44	17.08		3315

	Annually	30618	31762	33030	34195	35526		3316
8	Hourly	15.56	16.24	16.95	17.71	18.46		3317
	Annually	32365	33779	35256	36837	38397		3318
9	Hourly	16.60	17.46	18.32	19.23	20.21		3319
	Annually	34528	36317	38106	39998	42037		3320
10	Hourly	17.91	18.89	19.90	21.05	22.18		3321
	Annually	37253	39291	41392	43784	46134		3322
11	Hourly	19.50	20.64	21.84	23.06	24.38		3323
	Annually	40560	42931	45427	47965	50710		3324
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	3325
	Annually	44741	47258	49795	52562	55494	58510	3326
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	3327
	Annually	49317	52021	54891	57824	61069	64397	3328
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	3329
	Annually	54246	57304	60382	63690	67288	71032	3330
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	3331
	Annually	59571	62920	66477	70138	74027	78104	3332
16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	3333
	Annually	65686	69326	73154	77251	81515	86174	3334
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	3335
	Annually	72384	76378	80662	85114	89856	94869	3336
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	3337
	Annually	79768	84178	88920	93808	99008	104541	3338
	Schedule E-2							3339
	Range			Minimum			Maximum	3340
41	Hourly			16.23			34.77	3341
	Annually			33758			72322	3342
42	Hourly			17.89			38.41	3343
	Annually			37211			79893	3344
43	Hourly			19.70			42.30	3345
	Annually			40976			87984	3346
44	Hourly			21.73			46.21	3347
	Annually			45198			96117	3348

45	Hourly	24.01	50.44	3349
	Annually	49941	104915	3350
46	Hourly	26.43	55.13	3351
	Annually	54974	114670	3352
47	Hourly	29.14	60.16	3353
	Annually	60611	125133	3354
48	Hourly	32.14	65.65	3355
	Annually	66851	136552	3356
49	Hourly	35.44	70.89	3357
	Annually	73715	147451	3358

(C) Beginning on the first day of the pay period that 3359
includes July 1, 2007, each exempt employee who must be paid in 3360
accordance with schedule E-1 or schedule E-2 of this section shall 3361
be paid a salary or wage in accordance with the following schedule 3362
of rates: 3363

		<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	
	<u>Range</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	
<u>1</u>	<u>Hourly</u>	<u>9.73</u>	<u>10.16</u>	<u>10.60</u>	<u>11.05</u>			3366
	<u>Annually</u>	<u>20238</u>	<u>21133</u>	<u>22048</u>	<u>22984</u>			3367
<u>2</u>	<u>Hourly</u>	<u>11.80</u>	<u>12.30</u>	<u>12.83</u>	<u>13.39</u>			3368
	<u>Annually</u>	<u>24544</u>	<u>25584</u>	<u>26686</u>	<u>27851</u>			3369
<u>3</u>	<u>Hourly</u>	<u>12.36</u>	<u>12.92</u>	<u>13.49</u>	<u>14.08</u>			3370
	<u>Annually</u>	<u>25709</u>	<u>26874</u>	<u>28059</u>	<u>29286</u>			3371
<u>4</u>	<u>Hourly</u>	<u>12.98</u>	<u>13.56</u>	<u>14.20</u>	<u>14.84</u>			3372
	<u>Annually</u>	<u>26998</u>	<u>28205</u>	<u>29536</u>	<u>30867</u>			3373
<u>5</u>	<u>Hourly</u>	<u>13.61</u>	<u>14.23</u>	<u>14.84</u>	<u>15.49</u>			3374
	<u>Annually</u>	<u>28309</u>	<u>29598</u>	<u>30867</u>	<u>32219</u>			3375
<u>6</u>	<u>Hourly</u>	<u>14.35</u>	<u>14.94</u>	<u>15.60</u>	<u>16.24</u>			3376
	<u>Annually</u>	<u>29848</u>	<u>31075</u>	<u>32448</u>	<u>33779</u>			3377
<u>7</u>	<u>Hourly</u>	<u>15.24</u>	<u>15.80</u>	<u>16.44</u>	<u>17.02</u>	<u>17.68</u>		3378
	<u>Annually</u>	<u>31699</u>	<u>32864</u>	<u>34195</u>	<u>35402</u>	<u>36774</u>		3379
<u>8</u>	<u>Hourly</u>	<u>16.10</u>	<u>16.81</u>	<u>17.54</u>	<u>18.33</u>	<u>19.11</u>		3380
	<u>Annually</u>	<u>33488</u>	<u>34965</u>	<u>36483</u>	<u>38126</u>	<u>39749</u>		3381

<u>9</u>	<u>Hourly</u>	<u>17.18</u>	<u>18.07</u>	<u>18.96</u>	<u>19.90</u>	<u>20.92</u>		3382
	<u>Annually</u>	<u>35734</u>	<u>37586</u>	<u>39437</u>	<u>41392</u>	<u>43514</u>		3383
<u>10</u>	<u>Hourly</u>	<u>18.54</u>	<u>19.55</u>	<u>20.60</u>	<u>21.79</u>	<u>22.96</u>		3384
	<u>Annually</u>	<u>38563</u>	<u>40664</u>	<u>42848</u>	<u>45323</u>	<u>47757</u>		3385
<u>11</u>	<u>Hourly</u>	<u>20.18</u>	<u>21.36</u>	<u>22.60</u>	<u>23.87</u>	<u>25.23</u>		3386
	<u>Annually</u>	<u>41974</u>	<u>44429</u>	<u>47008</u>	<u>49650</u>	<u>52478</u>		3387
<u>12</u>	<u>Hourly</u>	<u>22.26</u>	<u>23.52</u>	<u>24.78</u>	<u>26.15</u>	<u>27.61</u>	<u>29.11</u>	3388
	<u>Annually</u>	<u>46301</u>	<u>48922</u>	<u>51542</u>	<u>54392</u>	<u>57429</u>	<u>60549</u>	3389
<u>13</u>	<u>Hourly</u>	<u>24.54</u>	<u>25.89</u>	<u>27.31</u>	<u>28.77</u>	<u>30.39</u>	<u>32.04</u>	3390
	<u>Annually</u>	<u>51043</u>	<u>53851</u>	<u>56805</u>	<u>59842</u>	<u>63211</u>	<u>66643</u>	3391
<u>14</u>	<u>Hourly</u>	<u>26.99</u>	<u>28.51</u>	<u>30.05</u>	<u>31.69</u>	<u>33.48</u>	<u>35.35</u>	3392
	<u>Annually</u>	<u>56139</u>	<u>59301</u>	<u>62504</u>	<u>65915</u>	<u>69638</u>	<u>73528</u>	3393
<u>15</u>	<u>Hourly</u>	<u>29.64</u>	<u>31.31</u>	<u>33.08</u>	<u>34.90</u>	<u>36.84</u>	<u>38.86</u>	3394
	<u>Annually</u>	<u>61651</u>	<u>65125</u>	<u>68806</u>	<u>72592</u>	<u>76627</u>	<u>80829</u>	3395
<u>16</u>	<u>Hourly</u>	<u>32.69</u>	<u>34.50</u>	<u>36.40</u>	<u>38.44</u>	<u>40.56</u>	<u>42.88</u>	3396
	<u>Annually</u>	<u>67995</u>	<u>71760</u>	<u>75712</u>	<u>79955</u>	<u>84365</u>	<u>89190</u>	3397
<u>17</u>	<u>Hourly</u>	<u>36.02</u>	<u>38.01</u>	<u>40.14</u>	<u>42.35</u>	<u>44.71</u>	<u>47.21</u>	3398
	<u>Annually</u>	<u>74922</u>	<u>79061</u>	<u>83491</u>	<u>88088</u>	<u>92997</u>	<u>98197</u>	3399
<u>18</u>	<u>Hourly</u>	<u>39.69</u>	<u>41.89</u>	<u>44.25</u>	<u>46.68</u>	<u>49.27</u>	<u>52.02</u>	3400
	<u>Annually</u>	<u>82555</u>	<u>87131</u>	<u>92040</u>	<u>97094</u>	<u>102482</u>	<u>108202</u>	3401
								3402
	<u>Range</u>			<u>Minimum</u>		<u>Maximum</u>		3403
<u>41</u>	<u>Hourly</u>			<u>16.23</u>		<u>35.99</u>		3404
	<u>Annually</u>			<u>33758</u>		<u>74859</u>		3405
<u>42</u>	<u>Hourly</u>			<u>17.89</u>		<u>39.75</u>		3406
	<u>Annually</u>			<u>37211</u>		<u>82680</u>		3407
<u>43</u>	<u>Hourly</u>			<u>19.70</u>		<u>43.78</u>		3408
	<u>Annually</u>			<u>40976</u>		<u>91062</u>		3409
<u>44</u>	<u>Hourly</u>			<u>21.73</u>		<u>47.83</u>		3410
	<u>Annually</u>			<u>45198</u>		<u>99486</u>		3411
<u>45</u>	<u>Hourly</u>			<u>24.01</u>		<u>52.21</u>		3412
	<u>Annually</u>			<u>49941</u>		<u>108597</u>		3413
<u>46</u>	<u>Hourly</u>			<u>26.43</u>		<u>57.06</u>		3414

	<u>Annually</u>	<u>54974</u>	<u>118685</u>	3415
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>62.27</u>	3416
	<u>Annually</u>	<u>60611</u>	<u>129522</u>	3417
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>67.95</u>	3418
	<u>Annually</u>	<u>66851</u>	<u>141336</u>	3419
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>73.37</u>	3420
	<u>Annually</u>	<u>73715</u>	<u>152610</u>	3421

(D) Beginning on the first day of the pay period that 3422
includes July 1, 2008, each exempt employee who must be paid in 3423
accordance with schedule E-1 or schedule E-2 of this section shall 3424
be paid a salary or wage in accordance with the following schedule 3425
of rates: 3426

		<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	
	<u>Range</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	
<u>1</u>	<u>Hourly</u>	<u>10.07</u>	<u>10.52</u>	<u>10.97</u>	<u>11.44</u>			3429
	<u>Annually</u>	<u>20946</u>	<u>21882</u>	<u>22818</u>	<u>23795</u>			3430
<u>2</u>	<u>Hourly</u>	<u>12.21</u>	<u>12.73</u>	<u>13.28</u>	<u>13.86</u>			3431
	<u>Annually</u>	<u>25397</u>	<u>26478</u>	<u>27622</u>	<u>28829</u>			3432
<u>3</u>	<u>Hourly</u>	<u>12.79</u>	<u>13.37</u>	<u>13.96</u>	<u>14.57</u>			3433
	<u>Annually</u>	<u>26603</u>	<u>27810</u>	<u>29037</u>	<u>30306</u>			3434
<u>4</u>	<u>Hourly</u>	<u>13.43</u>	<u>14.03</u>	<u>14.70</u>	<u>15.36</u>			3435
	<u>Annually</u>	<u>27934</u>	<u>29182</u>	<u>30576</u>	<u>31949</u>			3436
<u>5</u>	<u>Hourly</u>	<u>14.09</u>	<u>14.73</u>	<u>15.36</u>	<u>16.03</u>			3437
	<u>Annually</u>	<u>29307</u>	<u>30638</u>	<u>31949</u>	<u>33342</u>			3438
<u>6</u>	<u>Hourly</u>	<u>14.85</u>	<u>15.46</u>	<u>16.15</u>	<u>16.81</u>			3439
	<u>Annually</u>	<u>30888</u>	<u>32157</u>	<u>33592</u>	<u>34965</u>			3440
<u>7</u>	<u>Hourly</u>	<u>15.77</u>	<u>16.35</u>	<u>17.02</u>	<u>17.62</u>	<u>18.30</u>		3441
	<u>Annually</u>	<u>32802</u>	<u>34008</u>	<u>35402</u>	<u>36650</u>	<u>38064</u>		3442
<u>8</u>	<u>Hourly</u>	<u>16.66</u>	<u>17.40</u>	<u>18.15</u>	<u>18.97</u>	<u>19.78</u>		3443
	<u>Annually</u>	<u>34653</u>	<u>36192</u>	<u>37752</u>	<u>39458</u>	<u>41142</u>		3444
<u>9</u>	<u>Hourly</u>	<u>17.78</u>	<u>18.70</u>	<u>19.62</u>	<u>20.60</u>	<u>21.65</u>		3445
	<u>Annually</u>	<u>36982</u>	<u>38896</u>	<u>40810</u>	<u>42848</u>	<u>45032</u>		3446
<u>10</u>	<u>Hourly</u>	<u>19.19</u>	<u>20.23</u>	<u>21.32</u>	<u>22.55</u>	<u>23.76</u>		3447

	<u>Annually</u>	<u>39915</u>	<u>42078</u>	<u>44346</u>	<u>46904</u>	<u>49421</u>		3448
<u>11</u>	<u>Hourly</u>	<u>20.89</u>	<u>22.11</u>	<u>23.39</u>	<u>24.71</u>	<u>26.11</u>		3449
	<u>Annually</u>	<u>43451</u>	<u>45989</u>	<u>48651</u>	<u>51397</u>	<u>54309</u>		3450
<u>12</u>	<u>Hourly</u>	<u>23.04</u>	<u>24.34</u>	<u>25.65</u>	<u>27.07</u>	<u>28.58</u>	<u>30.13</u>	3451
	<u>Annually</u>	<u>47923</u>	<u>50627</u>	<u>53352</u>	<u>56306</u>	<u>59446</u>	<u>62670</u>	3452
<u>13</u>	<u>Hourly</u>	<u>25.40</u>	<u>26.80</u>	<u>28.27</u>	<u>29.78</u>	<u>31.45</u>	<u>33.16</u>	3453
	<u>Annually</u>	<u>52832</u>	<u>55744</u>	<u>58802</u>	<u>61942</u>	<u>65416</u>	<u>68973</u>	3454
<u>14</u>	<u>Hourly</u>	<u>27.93</u>	<u>29.51</u>	<u>31.10</u>	<u>32.80</u>	<u>34.65</u>	<u>36.59</u>	3455
	<u>Annually</u>	<u>58094</u>	<u>61381</u>	<u>64688</u>	<u>68224</u>	<u>72072</u>	<u>76107</u>	3456
<u>15</u>	<u>Hourly</u>	<u>30.68</u>	<u>32.41</u>	<u>34.24</u>	<u>36.12</u>	<u>38.13</u>	<u>40.22</u>	3457
	<u>Annually</u>	<u>63814</u>	<u>67413</u>	<u>71219</u>	<u>75130</u>	<u>79310</u>	<u>83658</u>	3458
<u>16</u>	<u>Hourly</u>	<u>33.83</u>	<u>35.71</u>	<u>37.67</u>	<u>39.79</u>	<u>41.98</u>	<u>44.38</u>	3459
	<u>Annually</u>	<u>70366</u>	<u>74277</u>	<u>78354</u>	<u>82763</u>	<u>87318</u>	<u>92310</u>	3460
<u>17</u>	<u>Hourly</u>	<u>37.28</u>	<u>39.34</u>	<u>41.54</u>	<u>43.83</u>	<u>46.27</u>	<u>48.86</u>	3461
	<u>Annually</u>	<u>77542</u>	<u>81827</u>	<u>86403</u>	<u>91166</u>	<u>96242</u>	<u>101629</u>	3462
<u>18</u>	<u>Hourly</u>	<u>41.08</u>	<u>43.36</u>	<u>45.80</u>	<u>48.31</u>	<u>50.99</u>	<u>53.84</u>	3463
	<u>Annually</u>	<u>85446</u>	<u>90189</u>	<u>95264</u>	<u>100485</u>	<u>106059</u>	<u>111987</u>	3464
								3465
	<u>Range</u>			<u>Minimum</u>		<u>Maximum</u>		3466
<u>41</u>	<u>Hourly</u>			<u>16.23</u>		<u>37.25</u>		3467
	<u>Annually</u>			<u>33758</u>		<u>77480</u>		3468
<u>42</u>	<u>Hourly</u>			<u>17.89</u>		<u>41.14</u>		3469
	<u>Annually</u>			<u>37211</u>		<u>85571</u>		3470
<u>43</u>	<u>Hourly</u>			<u>19.70</u>		<u>45.31</u>		3471
	<u>Annually</u>			<u>40976</u>		<u>94245</u>		3472
<u>44</u>	<u>Hourly</u>			<u>21.73</u>		<u>49.50</u>		3473
	<u>Annually</u>			<u>45198</u>		<u>102960</u>		3474
<u>45</u>	<u>Hourly</u>			<u>24.01</u>		<u>54.04</u>		3475
	<u>Annually</u>			<u>49941</u>		<u>112403</u>		3476
<u>46</u>	<u>Hourly</u>			<u>26.43</u>		<u>59.06</u>		3477
	<u>Annually</u>			<u>54974</u>		<u>122845</u>		3478
<u>47</u>	<u>Hourly</u>			<u>29.14</u>		<u>64.45</u>		3479
	<u>Annually</u>			<u>60611</u>		<u>134056</u>		3480

<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>70.33</u>	3481
	<u>Annually</u>	<u>66851</u>	<u>146286</u>	3482
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>75.94</u>	3483
	<u>Annually</u>	<u>73715</u>	<u>157955</u>	3484

(E) Beginning on the first day of the pay period that 3485
 includes July 1, 2006, each exempt employee who must be paid in 3486
 accordance with schedule E-1 for step seven only shall be paid a 3487
 salary or wage in accordance with the following schedule of rates: 3488

Schedule E-1 for Step Seven Only 3489

Pay Ranges and Step Seven Values 3490

	Range			3491
12	Hourly	29.68		3492
	Annually	61734		3493
13	Hourly	32.66		3494
	Annually	67933		3495
14	Hourly	36.01		3496
	Annually	74901		3497
15	Hourly	39.61		3498
	Annually	82389		3499
16	Hourly	43.70		3500
	Annually	90896		3501
17	Hourly	48.13		3502
	Annually	100110		3503
18	Hourly	53.02		3504
	Annually	110282		3505

~~(D)~~(F) Beginning on the first day of the pay period that 3506
includes July 1, 2007, each exempt employee who must be paid in 3507
accordance with schedule E-1 for step seven only shall be paid a 3508
salary or wage in accordance with the following schedule of rates: 3509

	<u>Range</u>			3510
<u>12</u>	<u>Hourly</u>	<u>30.72</u>		3511
	<u>Annually</u>	<u>63898</u>		3512

<u>13</u>	<u>Hourly</u>	<u>33.80</u>	3513
	<u>Annually</u>	<u>70304</u>	3514
<u>14</u>	<u>Hourly</u>	<u>37.27</u>	3515
	<u>Annually</u>	<u>77522</u>	3516
<u>15</u>	<u>Hourly</u>	<u>41.00</u>	3517
	<u>Annually</u>	<u>85280</u>	3518
<u>16</u>	<u>Hourly</u>	<u>45.23</u>	3519
	<u>Annually</u>	<u>94078</u>	3520
<u>17</u>	<u>Hourly</u>	<u>49.81</u>	3521
	<u>Annually</u>	<u>103605</u>	3522
<u>18</u>	<u>Hourly</u>	<u>54.88</u>	3523
	<u>Annually</u>	<u>114150</u>	3524

(G) Beginning on the first day of the pay period that 3525
includes July 1, 2008, each exempt employee who must be paid in 3526
accordance with salary schedule E-1 for step seven only shall be 3527
paid a salary or wage in accordance with the following schedule of 3528
rates: 3529

	<u>Range</u>		3530
<u>12</u>	<u>Hourly</u>	<u>31.80</u>	3531
	<u>Annually</u>	<u>66144</u>	3532
<u>13</u>	<u>Hourly</u>	<u>34.98</u>	3533
	<u>Annually</u>	<u>72758</u>	3534
<u>14</u>	<u>Hourly</u>	<u>38.57</u>	3535
	<u>Annually</u>	<u>80226</u>	3536
<u>15</u>	<u>Hourly</u>	<u>42.44</u>	3537
	<u>Annually</u>	<u>88275</u>	3538
<u>16</u>	<u>Hourly</u>	<u>46.81</u>	3539
	<u>Annually</u>	<u>97365</u>	3540
<u>17</u>	<u>Hourly</u>	<u>51.55</u>	3541
	<u>Annually</u>	<u>107224</u>	3542
<u>18</u>	<u>Hourly</u>	<u>56.80</u>	3543
	<u>Annually</u>	<u>118144</u>	3544

(H) As used in this section, "exempt employee" means a 3545

permanent full-time or permanent part-time employee paid directly 3546
by warrant of the director of budget and management whose position 3547
is included in the job classification plan established under 3548
division (A) of section 124.14 of the Revised Code but who is not 3549
considered a public employee for the purposes of Chapter 4117. of 3550
the Revised Code. As used in this section, "exempt employee" also 3551
includes a permanent full-time or permanent part-time employee of 3552
the secretary of state, auditor of state, treasurer of state, or 3553
attorney general who has not been placed in an appropriate 3554
bargaining unit by the state employment relations board. 3555

Sec. 125.01. As used in this chapter: 3556

(A) "Order" means a copy of a contract or a statement of the 3557
nature of a contemplated expenditure, a description of the 3558
property or supplies to be purchased or service to be performed, 3559
other than a service performed by officers and regular employees 3560
of the state, and per diem of the national guard, and the total 3561
sum of the expenditure to be made therefor, if the sum is fixed 3562
and ascertained, otherwise the estimated sum thereof, and an 3563
authorization to pay for the contemplated expenditure, signed by 3564
the person instructed and authorized to pay upon receipt of a 3565
proper invoice. 3566

(B) "Information technology" means technologies and services 3567
used for information processing, including, but not limited to, 3568
software, computing hardware, communications technologies, and 3569
related services. 3570

(C) "Invoice" means an itemized listing showing delivery of 3571
the supplies or performance of the service described in the order, 3572
and the date of the purchase or rendering of the service, or an 3573
itemization of the things done, material supplied, or labor 3574
furnished, and the sum due pursuant to the contract or obligation. 3575

~~(C)~~(D) "Products" means materials, manufacturer's supplies, 3576

merchandise, goods, wares, and foodstuffs. 3577

~~(D)~~(E) "Produced" means the manufacturing, processing, 3578
mining, developing, and making of a thing into a new article with 3579
a distinct character in use through the application of input, 3580
within the state, of Ohio products, labor, skill, or other 3581
services. "Produced" does not include the mere assembling or 3582
putting together of non-Ohio products or materials. 3583

~~(E)~~(F) "Ohio products" means products that are mined, 3584
excavated, produced, manufactured, raised, or grown in the state 3585
by a person where the input of Ohio products, labor, skill, or 3586
other services constitutes no less than twenty-five per cent of 3587
the manufactured cost. With respect to mined products, such 3588
products shall be mined or excavated in this state. 3589

~~(F)~~(G) "Purchase" means to buy, rent, lease, lease purchase, 3590
or otherwise acquire supplies or services. "Purchase" also 3591
includes all functions that pertain to the obtaining of supplies 3592
or services, including description of requirements, selection and 3593
solicitation of sources, preparation and award of contracts, all 3594
phases of contract administration, and receipt and acceptance of 3595
the supplies and services and payment for them. 3596

(H) "Purchasing authority" means the department of 3597
administrative services or the office of information technology as 3598
set forth in section 125.011 of the Revised Code. 3599

~~(G)~~(I) "Services" means the furnishing of labor, time, or 3600
effort by a person, not involving the delivery of a specific end 3601
product other than a report which, if provided, is merely 3602
incidental to the required performance. "Services" does not 3603
include services furnished pursuant to employment agreements or 3604
collective bargaining agreements. 3605

~~(H)~~(J) "Supplies" means all property, including, but not 3606
limited to, equipment, materials, other tangible assets, and 3607

insurance, but excluding real property or an interest in real 3608
property. 3609

~~(I)~~(K) "Competitive selection" means any of the following 3610
procedures for making purchases: 3611

(1) Competitive sealed bidding under section 125.07 of the 3612
Revised Code; 3613

(2) Competitive sealed proposals under section 125.071 of the 3614
Revised Code; 3615

(3) Reverse auctions under section 125.072 of the Revised 3616
Code. 3617

Sec. 125.011. Except for information technology supplies and 3618
services, the department of administrative services shall be the 3619
purchasing authority for all supplies and services for the 3620
purposes of and subject to the limitations of sections 125.01 to 3621
125.11, 125.15, and 125.25 of the Revised Code. The office of 3622
information technology shall be the purchasing authority for 3623
information technology supplies and services in accordance with 3624
section 126.17 of the Revised Code for the purposes of and subject 3625
to the limitations of sections 125.01 to 125.11, 125.15, and 3626
125.25 of the Revised Code. The department of administrative 3627
services and the office of information technology shall consult 3628
with each other to promote consistency when adopting any rules 3629
under sections 125.01 to 125.11, 125.15, and 125.25 of the Revised 3630
Code. 3631

Sec. 125.02. Except as to the adjutant general, the capital 3632
square review and advisory board, the department of rehabilitation 3633
and correction as specified in division (D) of section 125.04 of 3634
the Revised Code, the general assembly, the bureau of workers' 3635
compensation, and institutions administered by boards of trustees, 3636
~~the department of administrative services~~ a purchasing authority 3637

may purchase supplies and services for the use of state agencies. 3638

So far as possible, the ~~department of administrative services~~ 3639
purchasing authority shall make all purchases from the department 3640
of rehabilitation and correction in the exercise of the functions 3641
of the department of rehabilitation and correction in the 3642
management of state institutions. 3643

The ~~department of administrative services~~ purchasing 3644
authority shall prescribe uniform rules governing forms of 3645
specifications, advertisements for proposals, the opening of bids, 3646
the making of awards and contracts, and the purchase of supplies 3647
and performance of work. 3648

Nothing in this section precludes the bureau from entering 3649
into a contract with ~~the department of administrative services a~~ 3650
purchasing authority for the ~~department~~ purchasing authority to 3651
purchase supplies, or services for the use of the bureau. 3652

Sec. 125.021. (A) ~~Except as to the military department, the~~ 3653
~~general assembly, the bureau of workers' compensation, the~~ 3654
~~industrial commission, and institutions administered by boards of~~ 3655
~~trustees, the office of information technology may contract for,~~ 3656
~~operate, and superintend telephone, other telecommunication, and~~ 3657
~~computer services for state agencies. Nothing in this division~~ 3658
~~precludes the bureau or the commission from contracting with the~~ 3659
~~office to authorize the office to contract for, operate, or~~ 3660
~~superintend those services for the bureau or the commission.~~ 3661

~~(B)(1)~~ As used in this division: 3662

~~(a)(1)~~ "Active duty" means active duty pursuant to an 3663
executive order of the president of the United States, an act of 3664
the congress of the United States, or section 5919.29 or 5923.21 3665
of the Revised Code. 3666

~~(b)(2)~~ "Immediate family" means a person's spouse residing in 3667

the person's household, brothers and sisters of the whole or of 3668
the half blood, children, including adopted children and 3669
stepchildren, parents, and grandparents. 3670

~~(2)~~(B) The office of information technology may enter into a 3671
contract to purchase bulk long distance telephone services and 3672
make them available at cost, or may make bulk long distance 3673
telephone services available at cost under any existing contract 3674
the office has entered into, to members of the immediate family of 3675
persons deployed on active duty so that those family members can 3676
communicate with the persons so deployed. If the office enters 3677
into contracts under division (B)~~(2)~~ of this section, it shall do 3678
so in accordance with sections 125.01 to 125.11 of the Revised 3679
Code and in a nondiscriminatory manner that does not place any 3680
potential vendor at a competitive disadvantage. 3681

~~(3)~~(C) If the office decides to exercise either option under 3682
division (B)~~(2)~~ of this section, it shall adopt, and may amend, 3683
rules under Chapter 119. of the Revised Code to implement that 3684
division. 3685

Sec. 125.022. ~~The department of administrative services~~ A 3686
purchasing authority may enter into cooperative purchasing 3687
agreements with one or more other states or groups of states or 3688
with any political subdivision of this state described in division 3689
(B) of section 125.04 of the Revised Code for the purpose of 3690
purchasing services or supplies produced from or containing 3691
recycled materials for the use of state agencies. 3692

Sec. 125.023. During the period of an emergency as defined in 3693
section 5502.21 of the Revised Code, the ~~department of~~ 3694
~~administrative services~~ purchasing authority may suspend, with 3695
regard to the emergency management agency established in section 3696
5502.22 of the Revised Code or any other state agency 3697

participating in recovery activities as defined in section 5502.21 3698
of the Revised Code, the purchasing and contracting requirements 3699
contained in sections 125.02 to 125.111 of the Revised Code and 3700
any of the requirements of Chapter 153. of the Revised Code that 3701
otherwise would apply to the agency. The director of public safety 3702
or the executive director of the emergency management agency shall 3703
make the request for the suspension of these requirements to the 3704
department of administrative services and the office of 3705
information technology concurrently with the request to the 3706
governor or the president of the United States for the declaration 3707
of an emergency. The governor also shall include in any 3708
proclamation the governor issues declaring an emergency language 3709
requesting the suspension of those requirements during the period 3710
of the emergency. 3711

Sec. 125.04. (A) Except as provided in division (D) of this 3712
section, the ~~department of administrative services~~ purchasing 3713
authorities shall determine what supplies and services are 3714
purchased by or for state agencies. Whenever ~~the department of~~ 3715
~~administrative services~~ a purchasing authority makes any change or 3716
addition to the lists of supplies and services that it determines 3717
to purchase for state agencies, it shall provide a list to the 3718
agencies of the changes or additions and indicate when the 3719
~~department~~ purchasing authority will be prepared to furnish each 3720
item listed. Except for the requirements of division (B) of 3721
section 125.11 of the Revised Code, sections 125.04 to 125.08 and 3722
125.09 to 125.15 of the Revised Code do not apply to or affect the 3723
educational institutions of the state. The ~~department~~ purchasing 3724
authorities shall not include the bureau of workers' compensation 3725
in the lists of supplies, equipment, and services purchased and 3726
furnished by the ~~department~~ purchasing authorities. 3727

Nothing in this division precludes the bureau from entering 3728
into a contract with the ~~department~~ purchasing authorities for the 3729

~~department~~ purchasing authorities to perform services relative to 3730
supplies, equipment, and services contained in this division for 3731
the bureau. 3732

(B)(1) As used in this division: 3733

(a) "Emergency medical service organization" has the same 3734
meaning as in section 4765.01 of the Revised Code. 3735

(b) "Political subdivision" means any county, township, 3736
municipal corporation, school district, conservancy district, 3737
township park district, park district created under Chapter 1545. 3738
of the Revised Code, regional transit authority, regional airport 3739
authority, regional water and sewer district, or port authority. 3740
"Political subdivision" also includes any other political 3741
subdivision described in the Revised Code that has been approved 3742
by the department to participate in the department's contracts 3743
under this division. 3744

(c) "Private fire company" has the same meaning as in section 3745
9.60 of the Revised Code. 3746

(2) Subject to division (C) of this section, ~~the department~~ 3747
~~of administrative services~~ a purchasing authority may permit a 3748
political subdivision, private fire company, or private, nonprofit 3749
emergency medical service organization to participate in contracts 3750
into which the ~~department~~ purchasing authority has entered for the 3751
purchase of supplies and services. The ~~department~~ purchasing 3752
authority may charge the entity a reasonable fee to cover the 3753
administrative costs the ~~department~~ purchasing authority incurs as 3754
a result of participation by the entity in such a purchase 3755
contract. 3756

A political subdivision desiring to participate in such 3757
purchase contracts shall file with the ~~department~~ purchasing 3758
authority a certified copy of an ordinance or resolution of the 3759
legislative authority or governing board of the political 3760

subdivision. The resolution or ordinance shall request that the 3761
political subdivision be authorized to participate in such 3762
contracts and shall agree that the political subdivision will be 3763
bound by such terms and conditions as the ~~department~~ purchasing 3764
authority prescribes and that it will directly pay the vendor 3765
under each purchase contract. A private fire company or private, 3766
nonprofit emergency medical service organization desiring to 3767
participate in such purchase contracts shall file with the 3768
~~department~~ purchasing authority a written request for inclusion in 3769
the program signed by the chief officer of the company or 3770
organization. The request shall include an agreement to be bound 3771
by such terms and conditions as the ~~department~~ purchasing 3772
authority prescribes and to make direct payments to the vendor 3773
under each purchase contract. 3774

The ~~department~~ purchasing authority shall include in its 3775
annual report an estimate of the cost it incurs by permitting 3776
political subdivisions, private fire companies, and private, 3777
nonprofit emergency medical service organizations to participate 3778
in contracts pursuant to this division. The ~~department~~ purchasing 3779
authority may require such entities to file a report with the 3780
~~department~~ purchasing authority, as often as it finds necessary, 3781
stating how many such contracts the entities participated in 3782
within a specified period of time, and any other information the 3783
~~department~~ purchasing authority requires. 3784

(3) Purchases made by a political subdivision under this 3785
division are exempt from any competitive selection procedures 3786
otherwise required by law. No political subdivision shall make any 3787
purchase under this division when bids have been received for such 3788
purchase by the subdivision, unless such purchase can be made upon 3789
the same terms, conditions, and specifications at a lower price 3790
under this division. 3791

(C) A political subdivision as defined in division (B) of 3792

this section may purchase supplies or services from another party, 3793
including another political subdivision, instead of through 3794
participation in contracts described in division (B) of this 3795
section if the political subdivision can purchase those supplies 3796
or services from the other party upon equivalent terms, 3797
conditions, and specifications but at a lower price than it can 3798
through those contracts. Purchases that a political subdivision 3799
makes under this division are exempt from any competitive 3800
selection procedures otherwise required by law. A political 3801
subdivision that makes any purchase under this division shall 3802
maintain sufficient information regarding the purchase to verify 3803
that the political subdivision satisfied the conditions for making 3804
a purchase under this division. Nothing in this division restricts 3805
any action taken by a county or township as authorized by division 3806
(A)(1) of section 9.48 of the Revised Code. 3807

(D) This section does not apply to supplies or services 3808
required by the legislative or judicial branches, boards of 3809
elections, the capitol square review and advisory board, the 3810
adjutant general, to supplies or services purchased by a state 3811
agency directly as provided in division (A) or (E) of section 3812
125.05 of the Revised Code, to purchases of supplies or services 3813
for the emergency management agency as provided in section 125.023 3814
of the Revised Code, or to purchases of supplies or services for 3815
the department of rehabilitation and correction in its operation 3816
of the program for the employment of prisoners established under 3817
section 5145.16 of the Revised Code that shall be made pursuant to 3818
rules adopted by the director of administrative services and the 3819
director of rehabilitation and correction in accordance with 3820
Chapter 119. of the Revised Code. The rules may provide for the 3821
exemption of the program for the employment of prisoners from the 3822
requirements of division (A) of this section. 3823

Sec. 125.041. Nothing in sections 125.02, 125.03 to 125.08, 3824

125.12 to 125.16, ~~125.18~~, 125.31 to 125.76, ~~or 125.831~~, or 126.17 3825
of the Revised Code shall be construed as limiting the attorney 3826
general, auditor of state, secretary of state, or treasurer of 3827
state in any of the following: 3828

(A) Purchases for less than the dollar amounts for the 3829
purchase of supplies or services determined pursuant to division 3830
(D) of section 125.05 of the Revised Code; 3831

(B) Purchases that equal or exceed the dollar amounts for the 3832
purchase of supplies or services determined pursuant to division 3833
(D) of section 125.05 of the Revised Code with the approval of the 3834
controlling board, if that approval is required by section 127.16 3835
of the Revised Code; 3836

(C) The final determination of the nature or quantity making 3837
any purchase of supplies or services to be purchased pursuant to 3838
section 125.06 of the Revised Code; 3839

(D) The final determination and disposal of excess and 3840
surplus supplies; 3841

(E) The inventory of state property; 3842

(F) The purchase of printing; 3843

(G) Activities related to information technology development 3844
and use; 3845

(H) The fleet management program. 3846

Sec. 125.05. Except as provided in division (E) of this 3847
section, no state agency shall purchase any supplies or services 3848
except as provided in divisions (A) to (C) of this section. 3849

(A) Subject to division (D) of this section, a state agency 3850
may, without competitive selection, make any purchase of services 3851
that cost fifty thousand dollars or less or any purchase of 3852
supplies that cost twenty-five thousand dollars or less. The 3853

agency, at its determination, may make the purchase directly or 3854
may make the purchase from or through the ~~department of~~ 3855
~~administrative services, whichever the agency determines~~ proper 3856
purchasing authority. The ~~department~~ purchasing authority shall 3857
establish written procedures to assist state agencies when they 3858
make direct purchases. If the agency makes the purchase directly, 3859
it shall make the purchase by a term contract whenever possible. 3860

(B) Subject to division (D) of this section, a state agency 3861
wanting to purchase services that cost more than fifty thousand 3862
dollars or supplies that cost more than twenty-five thousand 3863
dollars shall, unless otherwise authorized by law, make the 3864
purchase from or through the ~~department~~ proper purchasing 3865
authority. The ~~department~~ purchasing authority shall make the 3866
purchase by competitive selection under section 125.07 of the 3867
Revised Code. If the ~~director of administrative services~~ 3868
purchasing authority determines that it is not possible or not 3869
advantageous to the state for the ~~department~~ purchasing authority 3870
to make the purchase, the ~~department~~ purchasing authority shall 3871
grant the agency a release and permit under section 125.06 of the 3872
Revised Code to make the purchase. Section 127.16 of the Revised 3873
Code does not apply to purchases the ~~department~~ purchasing 3874
authority makes under this section. 3875

(C) An agency that has been granted a release and permit to 3876
make a purchase may make the purchase without competitive 3877
selection if after making the purchase the cumulative purchase 3878
threshold as computed under division (F) of section 127.16 of the 3879
Revised Code would: 3880

(1) Be exceeded and the controlling board approves the 3881
purchase; 3882

(2) Not be exceeded and the ~~department of administrative~~ 3883
~~services~~ purchasing authority approves the purchase. 3884

(D) Not later than January 31, 1997, the amounts specified in 3885
divisions (A) and (B) of this section and, not later than the 3886
thirty-first day of January of each second year thereafter, any 3887
amounts computed by adjustments made under this division, shall be 3888
increased or decreased by the average percentage increase or 3889
decrease in the consumer price index prepared by the United States 3890
bureau of labor statistics (U.S. City Average for Urban Wage 3891
Earners and Clerical Workers: "All Items 1982-1984=100") for the 3892
twenty-four calendar month period prior to the immediately 3893
preceding first day of January over the immediately preceding 3894
twenty-four calendar month period, as reported by the bureau. The 3895
director of administrative services shall make this determination 3896
and adjust the appropriate amounts accordingly. 3897

(E) If the eTech Ohio commission, the department of 3898
education, or the Ohio education computer network determines that 3899
it can purchase software services or supplies for specified school 3900
districts at a price less than the price for which the districts 3901
could purchase the same software services or supplies for 3902
themselves, the commission, department, or network shall certify 3903
that fact to the ~~department of administrative services~~ office of 3904
information technology and, acting as an agent for the specified 3905
school districts, shall make that purchase without following the 3906
provisions in divisions (A) to (D) of this section. 3907

Sec. 125.06. ~~The department of administrative services~~ A 3908
purchasing authority may, pursuant to division (B) of section 3909
125.05 of the Revised Code and subject to such rules as the 3910
~~director of administrative services~~ particular purchasing 3911
authority may adopt, issue a release and permit to the agency to 3912
secure supplies or services. A release and permit shall specify 3913
the supplies or services to which it applies, the time during 3914
which it is operative, and the reason for its issuance. A release 3915
and permit for ~~computer services~~ information technology services 3916

shall also specify the type of services to be rendered, the number 3917
and type of machines to be employed, and may specify the amount of 3918
such services to be performed. One copy of every release and 3919
permit shall be filed with the agency to which it is issued, and 3920
one copy shall be retained by the ~~department~~ purchasing authority. 3921

Sec. 125.07. ~~The department of administrative services~~ A 3922
purchasing authority, in making a purchase by competitive 3923
selection pursuant to division (B) of section 125.05 of the 3924
Revised Code, shall give notice in the following manner: 3925

(A) The ~~department~~ purchasing authority shall advertise the 3926
intended purchases by notice that is posted by mail or electronic 3927
means and that is for the benefit of competing persons producing 3928
or dealing in the supplies or services to be purchased, including, 3929
but not limited to, the persons whose names appear on the 3930
appropriate list provided for in section 125.08 of the Revised 3931
Code. The notice may be in the form of the bid or proposal 3932
document or of a listing in a periodic bulletin, or in any other 3933
form the ~~director of administrative services~~ purchasing authority 3934
considers appropriate to sufficiently notify qualified competing 3935
persons of the intended purchases. 3936

(B) The notice required under division (A) of this section 3937
shall include the time and place where bids or proposals will be 3938
accepted and opened, or, when bids are made in a reverse auction, 3939
the time when bids will be accepted; the conditions under which 3940
bids or proposals will be received; the terms of the proposed 3941
purchases; and an itemized list of the supplies or services to be 3942
purchased and the estimated quantities or amounts of them. 3943

(C) The posting of the notice required under division (A) of 3944
this section shall be completed by the number of days the ~~director~~ 3945
purchasing authority determines preceding the day when the bids or 3946
proposals will be opened or accepted. 3947

(D) The ~~department~~ purchasing authority also shall maintain, 3948
in a public place in its office, a bulletin board upon which it 3949
shall post and maintain a copy of the notice required under 3950
division (A) of this section for at least the number of days the 3951
~~director~~ purchasing authority determines under division (C) of 3952
this section preceding the day of the opening or acceptance of the 3953
bids or proposals. The failure to so additionally post the notice 3954
shall invalidate all proceedings had and any contract entered into 3955
pursuant to the proceedings. 3956

Sec. 125.071. (A) In accordance with rules the ~~director of~~ 3957
~~administrative services~~ purchasing authority shall adopt, the 3958
~~director~~ purchasing authority may make purchases by competitive 3959
sealed proposal whenever the ~~director~~ purchasing authority 3960
determines that the use of competitive sealed bidding is not 3961
possible or not advantageous to the state. 3962

(B) Proposals shall be solicited through a request for 3963
proposals. The request for proposals shall state the relative 3964
importance of price and other evaluation factors. Notice of the 3965
request for proposals shall be given in accordance with rules the 3966
director shall adopt. 3967

(C) Proposals shall be opened so as to avoid disclosure of 3968
contents to competing offerors. 3969

In order to ensure fair and impartial evaluation, proposals 3970
and related documents submitted in response to a request for 3971
proposals are not available for public inspection and copying 3972
under section 149.43 of the Revised Code until after the award of 3973
the contract. 3974

(D) As provided in the request for proposals, and under rules 3975
the ~~director~~ purchasing authority shall adopt, discussions may be 3976
conducted with responsible offerors who submit proposals 3977
determined to be reasonably susceptible of being selected for 3978

award for the purpose of ensuring full understanding of, and 3979
responsiveness to, solicitation requirements. Offerors shall be 3980
accorded fair and equal treatment with respect to any opportunity 3981
for discussion regarding any clarification, correction, or 3982
revision of proposals. No disclosure of any information derived 3983
from proposals submitted by competing offerors shall occur when 3984
discussions are conducted. 3985

(E) Award may be made to the offeror whose proposal is 3986
determined to be the most advantageous to this state, taking into 3987
consideration factors such as price and the evaluation criteria 3988
set forth in the request for proposals. The contract file shall 3989
contain the basis on which the award is made. 3990

Sec. 125.072. (A) As used in this section, "reverse auction" 3991
means a purchasing process in which offerors submit bids in 3992
competing to sell services or supplies in an open environment via 3993
the internet. 3994

(B) Whenever ~~the director of administrative services a~~ 3995
purchasing authority determines that the use of a reverse auction 3996
is advantageous to the state, the ~~director~~ purchasing authority, 3997
in accordance with rules the ~~director~~ purchasing authority shall 3998
adopt, may purchase services or supplies by reverse auction. 3999

(C) The ~~director~~ purchasing authority, by rule, may authorize 4000
a state agency that is authorized to purchase services or supplies 4001
directly to purchase them by reverse auction in the same manner as 4002
this section and the rules adopted under this section authorize 4003
the ~~director~~ purchasing authority to do so. 4004

Sec. 125.073. (A) The ~~department of administrative services~~ 4005
purchasing authorities shall actively promote and accelerate the 4006
use of electronic procurement, including reverse auctions as 4007
defined by section 125.072 of the Revised Code, by implementing 4008

the relevant recommendations concerning electronic procurement 4009
from the "2000 Management Improvement Commission Report to the 4010
Governor" when exercising its statutory powers. 4011

(B) Beginning July 1, 2004, the department of administrative 4012
services shall annually on or before the first day of July report 4013
to the committees in each house of the general assembly dealing 4014
with finance indicating the effectiveness of electronic 4015
procurement. Beginning July 1, 2008, the office of information 4016
technology shall annually on or before the last day of December, 4017
report to the committees in each house of the general assembly 4018
dealing with finance indicating the effectiveness during the prior 4019
fiscal year of electronic procurement of information technology 4020
supplies and services. 4021

Sec. 125.08. (A) The department of administrative services 4022
may divide the state into purchasing districts wherein supplies or 4023
services are to be delivered and shall describe those districts on 4024
all applications for the notification list provided for in this 4025
section. 4026

Any person may have that person's name and address, or the 4027
name and address of an agent, placed on the competitive selection 4028
notification list of the department of administrative services by 4029
sending to the department the person's name and address, together 4030
with a list of the supplies or services described in the manner 4031
prescribed by the department produced or dealt in by the person 4032
with a request for such listing, a list of the districts in which 4033
the person desires to participate, and all other information the 4034
director of administrative services may prescribe. The director of 4035
administrative services shall provide the lists to the office of 4036
information technology. Whenever any name and address together 4037
with a list of the supplies or services produced or dealt in is so 4038
listed, the ~~department~~ purchasing authorities shall post notice, 4039

as provided in division (A) of section 125.07 of the Revised Code, 4040
for the benefit of the persons listed on the notification list 4041
that are qualified Ohio business enterprises, which shall include 4042
Ohio penal industries as defined by rule of the director of 4043
administrative services, or have a significant Ohio presence in 4044
this state's economy, except that, in those circumstances in which 4045
the ~~director~~ purchasing authority considers it in the best 4046
interest of this state, the ~~director~~ purchasing authority shall 4047
post notice, as provided in division (A) of section 125.07 of the 4048
Revised Code, for the benefit of all persons listed on the 4049
notification list. The ~~department~~ purchasing authority need only 4050
provide competitive selection documents for a proposed contract to 4051
persons who specifically request the documents. 4052

The director may remove a person from the notification list 4053
and place the person on an inactive list if the person fails to 4054
respond to any notices of proposed purchases that appear in four 4055
consecutive bulletins or other forms of notification that list 4056
those notices. Upon written request to the director by the person 4057
so removed, the director may return the person to the notification 4058
list if the person provides sufficient evidence regarding intent 4059
to offer bids or proposals to the state. The director shall not 4060
remove any person from the list without notice to the person. The 4061
notice may be a part of the notices of proposed purchase. 4062

(B) Any person who is certified by the equal employment 4063
opportunity coordinator of the department of administrative 4064
services in accordance with the rules adopted under division 4065
(B)(1) of section 123.151 of the Revised Code as a minority 4066
business enterprise may have that person's name placed on a 4067
special minority business enterprise notification list to be used 4068
in connection with contracts awarded under section 125.081 of the 4069
Revised Code. The minority business enterprise notification list 4070
shall be used for bidding on contracts set aside for minority 4071

business enterprises only. In all other respects, the list shall 4072
be maintained and used in the same manner and according to the 4073
same procedures as the notification list provided for under 4074
division (A) of this section, except that a firm shall not be 4075
removed from the list unless the coordinator determines that the 4076
firm is no longer a minority business enterprise. A minority 4077
business enterprise may have its name placed on both the 4078
notification lists provided for in this section. 4079

(C) The director of administrative services may require an 4080
annual registration fee for the listings provided for in division 4081
(A) or (B) of this section. This fee shall not be more than ten 4082
dollars. The department may charge a fee for any compilation of 4083
descriptions of supplies or services. This fee shall be reasonable 4084
and shall not exceed the cost required to maintain the 4085
notification lists and provide for the distribution of the 4086
proposed purchase to the persons whose names appear on the lists. 4087

Sec. 125.081. (A) From the purchases that the ~~department of~~ 4088
~~administrative services is~~ purchasing authorities are required by 4089
law to make through competitive selection, ~~the director of~~ 4090
~~administrative services~~ each purchasing authority shall select a 4091
number of such purchases, the aggregate value of which equals 4092
approximately fifteen per cent of the estimated total value of all 4093
such purchases to be made in the current fiscal year. The ~~director~~ 4094
purchasing authority shall set aside the purchases selected for 4095
competition only by minority business enterprises, as defined in 4096
division (E)(1) of section 122.71 of the Revised Code. The 4097
competitive selection procedures for such purchases set aside 4098
shall be the same as for all other purchases the ~~department~~ 4099
purchasing authority is required to make through competitive 4100
selection, except that only minority business enterprises 4101
certified by the equal employment opportunity coordinator of the 4102
department of administrative services in accordance with the rules 4103

adopted under division (B)(1) of section 123.151 of the Revised Code and listed by the director under division (B) of section 125.08 of the Revised Code shall be qualified to compete.

(B) To the extent that any agency of the state, other than the department of administrative services, the office of information technology, the legislative and judicial branches, boards of elections, and the adjutant general, is authorized to make purchases, the agency shall set aside a number of purchases, the aggregate value of which equals approximately fifteen per cent of the aggregate value of such purchases for the current fiscal year for competition by minority business enterprises only. The procedures for such purchases shall be the same as for all other such purchases made by the agency, except that only minority business enterprises certified by the equal employment opportunity coordinator in accordance with rules adopted under division (B)(1) of section 123.151 of the Revised Code shall be qualified to compete.

(C) In the case of purchases set aside under division (A) or (B) of this section, if no bid is submitted by a minority business enterprise, the purchase shall be made according to usual procedures. The contracting agency shall from time to time set aside such additional purchases for which only minority business enterprises may compete, as are necessary to replace those purchases previously set aside for which no minority business enterprises bid and to ensure that, in any fiscal year, the aggregate amount of contracts awarded to minority business enterprises will equal approximately fifteen per cent of the total amount of contracts awarded by the agency.

(D) The provisions of this section shall not preclude any minority business enterprise from competing for any other state purchases that are not specifically set aside for minority business enterprises.

(E) No funds of any state agency shall be expended in any 4136
fiscal year for any purchase for which competitive selection is 4137
required, until the ~~director of the department of administrative~~ 4138
~~services certifies~~ purchasing authorities certify to the equal 4139
employment opportunity coordinator, the clerk of the senate, and 4140
the clerk of the house of representatives of the general assembly 4141
that approximately fifteen per cent of the aggregate amount of the 4142
projected expenditure for such purchases in the fiscal year has 4143
been set aside as provided for in this section. 4144

(F) Any person who intentionally misrepresents self as 4145
owning, controlling, operating, or participating in a minority 4146
business enterprise for the purpose of obtaining contracts, 4147
subcontracts, or any other benefits under this section shall be 4148
guilty of theft by deception as provided for in section 2913.02 of 4149
the Revised Code. 4150

Sec. 125.082. (A) When purchasing equipment, materials, or 4151
supplies, the general assembly; the offices of all elected state 4152
officers; all departments, boards, offices, commissions, agencies, 4153
institutions, including, without limitation, state-supported 4154
institutions of higher education, and other instrumentalities of 4155
this state; the supreme court; all courts of appeals; and all 4156
courts of common pleas, may purchase recycled products in 4157
accordance with the guidelines adopted under division (B) of this 4158
section if the products are available and meet the performance 4159
specifications of the procuring entities. Purchases of recycled 4160
products shall comply with any rules adopted under division (C) of 4161
this section. 4162

(B) The ~~director of administrative services~~ purchasing 4163
authorities shall adopt rules in accordance with Chapter 119. of 4164
the Revised Code establishing guidelines for the procurement of 4165
recycled products pursuant to division (A) of this section. To the 4166

extent practicable, the guidelines shall do all of the following: 4167

(1) Be consistent with and substantially equivalent to any 4168
relevant regulations adopted by the administrator of the United 4169
States environmental protection agency pursuant to the "Resource 4170
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 4171
6921, as amended; 4172

(2) Establish the minimum percentage of recycled materials 4173
the various products shall contain in order to be considered 4174
"recycled" for the purposes of division (A) of this section; 4175

(3) So far as practicable and economically feasible, 4176
incorporate specifications for recycled-content materials to 4177
promote the use and purchase of recycled products by state 4178
agencies. 4179

(C) The ~~director~~ purchasing authorities may adopt rules in 4180
accordance with Chapter 119. of the Revised Code establishing a 4181
maximum percentage by which the cost of recycled products 4182
purchased under division (A) of this section may exceed the cost 4183
of comparable products made of virgin materials. 4184

(D) The department of administrative services, the office of 4185
information technology, and the department of natural resources 4186
annually shall prepare and submit to the governor, president of 4187
the senate, and speaker of the house of representatives a report 4188
that describes, so far as practicable, the value and types of 4189
recycled products that are purchased with moneys disbursed from 4190
the state treasury by the general assembly; the offices of all 4191
elected state officers; and all departments, boards, offices, 4192
commissions, agencies, and institutions of this state. 4193

Sec. 125.09. (A) Pursuant to section 125.07 of the Revised 4194
Code, ~~the department of administrative services~~ a purchasing 4195
authority may prescribe such conditions under which competitive 4196

sealed bids will be received and terms of the proposed purchase as 4197
it considers necessary; provided, that all such conditions and 4198
terms shall be reasonable and shall not unreasonably restrict 4199
competition, and bidders may bid upon all or any item of the 4200
supplies or services listed in such notice. Those bidders claiming 4201
the preference for United States and Ohio products outlined in 4202
this chapter shall designate in their bids either that the product 4203
to be supplied is an Ohio product or that under the rules 4204
established by the ~~director of administrative services~~ purchasing 4205
authority they qualify as having a significant Ohio economic 4206
presence. 4207

(B) The ~~department~~ purchasing authority may require that each 4208
bidder provide sufficient information about the energy efficiency 4209
or energy usage of the bidder's product or service. 4210

(C) The ~~director of administrative services~~ purchasing 4211
authority shall, by rule adopted pursuant to Chapter 119. of the 4212
Revised Code, prescribe criteria and procedures for use by all 4213
state agencies in giving preference to United States and Ohio 4214
products as required by division (B) of section 125.11 of the 4215
Revised Code. The rules shall extend to: 4216

(1) Criteria for determining that a product is produced or 4217
mined in the United States rather than in another country or 4218
territory; 4219

(2) Criteria for determining that a product is produced or 4220
mined in Ohio; 4221

(3) Information to be submitted by bidders as to the nature 4222
of a product and the location where it is produced or mined; 4223

(4) Criteria and procedures to be used by the ~~director~~ 4224
purchasing authorities to qualify bidders located in states 4225
bordering Ohio who might otherwise be excluded from being awarded 4226
a contract by operation of this section and section 125.11 of the 4227

Revised Code. The criteria and procedures shall recognize the 4228
level and regularity of interstate commerce between Ohio and the 4229
border states and provide that the non-Ohio businesses may qualify 4230
for award of a contract as long as they are located in a state 4231
that imposes no greater restrictions than are contained in this 4232
section and section 125.11 of the Revised Code upon persons 4233
located in Ohio selling products or services to agencies of that 4234
state. The criteria and procedures shall also provide that a 4235
non-Ohio business shall not bid on a contract for state printing 4236
in this state if the business is located in a state that excludes 4237
Ohio businesses from bidding on state printing contracts in that 4238
state. 4239

(5) Criteria and procedures to be used to qualify bidders 4240
whose manufactured products, except for mined products, are 4241
produced in other states or in North America, but the bidders have 4242
a significant Ohio economic presence in terms of the number of 4243
employees or capital investment a bidder has in this state. 4244
Bidders with a significant Ohio economic presence shall qualify 4245
for award of a contract on the same basis as if their products 4246
were produced in this state. 4247

(6) Criteria and procedures for the ~~director~~ purchasing 4248
authority to grant waivers of the requirements of division (B) of 4249
section 125.11 of the Revised Code on a contract-by-contract basis 4250
where compliance with those requirements would result in the state 4251
agency paying an excessive price for the product or acquiring a 4252
disproportionately inferior product; 4253

(7) Such other requirements or procedures reasonably 4254
necessary to implement the system of preferences established 4255
pursuant to division (B) of section 125.11 of the Revised Code. 4256

In adopting the rules required under this division, the 4257
~~director~~ purchasing authority shall, to the maximum extent 4258
possible, conform to the requirements of the federal "Buy America 4259

Act," 47 Stat. 1520, (1933), 41 U.S.C.A. 10a-10d, as amended, and 4260
to the regulations adopted thereunder. 4261

Sec. 125.10. (A) ~~The department of administrative services~~ A 4262
purchasing authority may require that all competitive sealed bids, 4263
competitive sealed proposals, and bids received in a reverse 4264
auction be accompanied by a performance bond or other cash surety 4265
acceptable to the ~~director of administrative services~~ purchasing 4266
authority, in the sum and with the sureties it prescribes, payable 4267
to the state, and conditioned that the person submitting the bid 4268
or proposal, if that person's bid or proposal is accepted, will 4269
faithfully execute the terms of the contract and promptly make 4270
deliveries of the supplies purchased. 4271

(B) A sealed copy of each competitive sealed bid or 4272
competitive sealed proposal shall be filed with the ~~department~~ 4273
purchasing authority prior to the time specified in the notice for 4274
opening of the bids or proposals. All competitive sealed bids and 4275
competitive sealed proposals shall be publicly opened in the 4276
office of the ~~department~~ purchasing authority at the time 4277
specified in the notice. A representative of the auditor of state 4278
shall be present at the opening of all competitive sealed bids and 4279
competitive sealed proposals, and shall certify the opening of 4280
each competitive sealed bid and competitive sealed proposal. No 4281
competitive sealed bid or competitive sealed proposal shall be 4282
considered valid unless it is so certified. 4283

Sec. 125.11. (A) Subject to division (B) of this section, 4284
contracts awarded pursuant to a reverse auction under section 4285
125.072 of the Revised Code or pursuant to competitive sealed 4286
bidding, including contracts awarded under section 125.081 of the 4287
Revised Code, shall be awarded to the lowest responsive and 4288
responsible bidder on each item in accordance with section 9.312 4289
of the Revised Code. When the contract is for meat products as 4290

defined in section 918.01 of the Revised Code or poultry products 4291
as defined in section 918.21 of the Revised Code, only those bids 4292
received from vendors offering products from establishments on the 4293
current list of meat and poultry vendors established and 4294
maintained by the director of administrative services under 4295
section 125.17 of the Revised Code shall be eligible for 4296
acceptance. The ~~department of administrative services~~ purchasing 4297
authority may accept or reject any or all bids in whole or by 4298
items, except that when the contract is for services or products 4299
available from a qualified nonprofit agency pursuant to sections 4300
125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code, the 4301
contract shall be awarded to that agency. 4302

(B) Prior to awarding a contract under division (A) of this 4303
section, the ~~department of administrative services~~ purchasing 4304
authority or the state agency responsible for evaluating a 4305
contract for the purchase of products shall evaluate the bids 4306
received according to the criteria and procedures established 4307
pursuant to divisions (C)(1) and (2) of section 125.09 of the 4308
Revised Code for determining if a product is produced or mined in 4309
the United States and if a product is produced or mined in this 4310
state. The ~~department~~ purchasing authority or other state agency 4311
shall first remove bids that offer products that have not been or 4312
that will not be produced or mined in the United States. From 4313
among the remaining bids, the ~~department~~ purchasing authority or 4314
other state agency shall select the lowest responsive and 4315
responsible bid, in accordance with section 9.312 of the Revised 4316
Code, from among the bids that offer products that have been 4317
produced or mined in this state where sufficient competition can 4318
be generated within this state to ensure that compliance with 4319
these requirements will not result in an excessive price for the 4320
product or acquiring a disproportionately inferior product. If 4321
there are two or more qualified bids that offer products that have 4322

been produced or mined in this state, it shall be deemed that 4323
there is sufficient competition to prevent an excessive price for 4324
the product or the acquiring of a disproportionately inferior 4325
product. 4326

(C) Division (B) of this section applies to contracts for 4327
which competitive bidding is waived by the controlling board. 4328

(D) Division (B) of this section does not apply to the 4329
purchase by the division of liquor control of spirituous liquor. 4330

(E) The director of administrative services shall publish in 4331
the form of a model act for use by counties, townships, municipal 4332
corporations, or any other political subdivision described in 4333
division (B) of section 125.04 of the Revised Code, a system of 4334
preferences for products mined and produced in this state and in 4335
the United States and for Ohio-based contractors. The model act 4336
shall reflect substantial equivalence to the system of preferences 4337
in purchasing and public improvement contracting procedures under 4338
which the state operates pursuant to this chapter and section 4339
153.012 of the Revised Code. To the maximum extent possible, 4340
consistent with the Ohio system of preferences in purchasing and 4341
public improvement contracting procedures, the model act shall 4342
incorporate all of the requirements of the federal "Buy America 4343
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 4344
the rules adopted under that act. 4345

Before and during the development and promulgation of the 4346
model act, the director shall consult with appropriate statewide 4347
organizations representing counties, townships, and municipal 4348
corporations so as to identify the special requirements and 4349
concerns these political subdivisions have in their purchasing and 4350
public improvement contracting procedures. The director shall 4351
promulgate the model act by rule adopted pursuant to Chapter 119. 4352
of the Revised Code and shall revise the act as necessary to 4353
reflect changes in this chapter or section 153.012 of the Revised 4354

Code. 4355

The director shall make available copies of the model act, 4356
supporting information, and technical assistance to any township, 4357
county, or municipal corporation wishing to incorporate the 4358
provisions of the act into its purchasing or public improvement 4359
contracting procedure. 4360

Sec. 125.15. All state agencies required to secure any 4361
equipment, materials, supplies, or services from ~~the department of~~ 4362
~~administrative services~~ a purchasing authority shall make 4363
acquisition in the manner and upon forms prescribed by ~~the~~ 4364
~~director of administrative services~~ that purchasing authority and 4365
shall reimburse the ~~department~~ purchasing authority for the 4366
equipment, materials, supplies, or services, including a 4367
reasonable sum to cover ~~the department's~~ administrative costs, 4368
whenever reimbursement is required by the ~~department~~ purchasing 4369
authority. The money so paid shall be deposited in the state 4370
treasury to the credit of the general services fund for use by the 4371
department of administrative services or the information 4372
technology fund for use by the office of information technology, 4373
as appropriate. Those funds are hereby created. 4374

Sec. 125.25. (A) ~~The director of administrative services~~ A 4375
purchasing authority may debar a vendor from consideration for 4376
contract awards upon a finding based upon a reasonable belief that 4377
the vendor has done any of the following: 4378

(1) Abused the selection process by repeatedly withdrawing 4379
bids or proposals before purchase orders or contracts are issued 4380
or failing to accept orders based upon firm bids; 4381

(2) Failed to substantially perform a contract according to 4382
its terms, conditions, and specifications within specified time 4383
limits; 4384

(3) Failed to cooperate in monitoring contract performance by 4385
refusing to provide information or documents required in a 4386
contract, failed to respond to complaints to the vendor, or 4387
accumulated repeated justified complaints regarding performance of 4388
a contract; 4389

(4) Attempted to influence a public employee to breach 4390
ethical conduct standards or to influence a contract award; 4391

(5) Colluded to restrain competition by any means; 4392

(6) Been convicted of a criminal offense related to the 4393
application for or performance of any public or private contract, 4394
including, but not limited to, embezzlement, theft, forgery, 4395
bribery, falsification or destruction of records, receiving stolen 4396
property, and any other offense that directly reflects on the 4397
vendor's business integrity; 4398

(7) Been convicted under state or federal antitrust laws; 4399

(8) Deliberately or willfully submitted false or misleading 4400
information in connection with the application for or performance 4401
of a public contract; 4402

(9) Violated any other responsible business practice or 4403
performed in an unsatisfactory manner as determined by ~~the~~ 4404
~~director~~ a purchasing authority; 4405

(10) Through the default of a contract or through other means 4406
had a determination of unresolved finding for recovery by the 4407
auditor of state under section 9.24 of the Revised Code; 4408

(11) Acted in such a manner as to be debarred from 4409
participating in a contract with any governmental agency. 4410

(B) When ~~the director~~ a purchasing authority reasonably 4411
believes that grounds for debarment exist, the ~~director~~ purchasing 4412
authority shall send the vendor a notice of proposed debarment 4413
indicating the grounds for the proposed debarment and the 4414

procedure for requesting a hearing on the proposed debarment. The 4415
hearing shall be conducted in accordance with Chapter 119. of the 4416
Revised Code. If the vendor does not respond with a request for a 4417
hearing in the manner specified in Chapter 119. of the Revised 4418
Code, the ~~director~~ purchasing authority shall issue the debarment 4419
decision without a hearing and shall notify the vendor of the 4420
decision by certified mail, return receipt requested. 4421

(C) The ~~director~~ purchasing authority shall determine the 4422
length of the debarment period and may rescind the debarment at 4423
any time upon notification to the vendor. During the period of 4424
debarment, the vendor is not eligible to participate in any state 4425
contract. After the debarment period expires, the vendor shall be 4426
eligible to be awarded contracts by state agencies. 4427

(D) The ~~director, through the~~ office of information 4428
technology and the ~~office of procurement~~ department of 4429
administrative services, shall maintain a list of all vendors 4430
currently debarred under this section. 4431

Sec. 125.45. The department of administrative services shall 4432
maintain facilities to perform office reproduction services for 4433
all boards, commissions, or departments except for the bureau of 4434
workers' compensation. Upon written application to the department 4435
of administrative services, permission may be granted to a board, 4436
commission, or department to perform such services outside the 4437
central facility and such permission shall state the extent of the 4438
services which the department, board, or commission shall perform. 4439

Office reproduction services using stencils, masters, or 4440
plates are restricted to duplicating equipment not larger than 4441
seventeen by twenty-two inches. Not to exceed five thousand press 4442
impressions shall be produced of any such order except that up to 4443
one thousand production copies may be produced of any item 4444
consisting of multiple pages and except that over five thousand, 4445

but not more than ten thousand, press impressions may be produced 4446
if the director of administrative services determines that there 4447
is an emergency due to the timing of service delivery or another 4448
factor that may cause financial hardship to the state. 4449

Nothing in this section precludes the bureau from entering 4450
into a contract with the department of administrative services for 4451
the department to perform office reproduction services for the 4452
bureau. 4453

~~Neither the department nor any other~~ No state agency, other 4454
than the department of administrative services, shall perform 4455
printing or office reproduction services for political 4456
subdivisions. 4457

Sec. 125.93. The state forms management program shall do each 4458
of the following: 4459

(A) Assist state agencies in establishing internal forms 4460
management capabilities; 4461

~~(B) Study, develop, coordinate, and initiate forms of~~ 4462
~~interagency and common administrative usage, and establish basic~~ 4463
~~design and specification criteria to standardize state forms;~~ 4464

~~(C)~~ Assist state agencies to design economical forms; 4465

~~(D)~~(C) Assist, train, and instruct state agencies and their 4466
forms management representatives in forms management techniques, 4467
and provide direct forms management assistance to new state 4468
agencies as they are created; 4469

~~(E) Maintain a central forms repository of all state forms to~~ 4470
~~facilitate standardization of the forms, eliminate redundant~~ 4471
~~forms, and provide a central source of information on forms usage~~ 4472
~~and availability.~~ 4473

Sec. 125.96. The director of administrative services may 4474

adopt, amend, or rescind rules necessary to carry out the powers 4475
and duties imposed upon the state forms management program and 4476
state agencies by sections 125.92 to 125.98 of the Revised Code. 4477
~~The director shall adopt, and may amend or rescind, rules 4478~~
~~providing each of the following: 4479~~

~~(A) After a date to be determined by the state forms 4480~~
~~management program, no state agency shall utilize any form, other 4481~~
~~than a form subject to division (B) of section 125.95 of the 4482~~
~~Revised Code, the management of which has not been delegated to 4483~~
~~the agency by the program under division (A) of that section or 4484~~
~~been approved by the program. 4485~~

~~(B) The notice required by section 125.97 of the Revised Code 4486~~
~~shall appear in a standard place and a standard manner on each 4487~~
~~form to which the notice applies, and shall include specified 4488~~
~~indicia of approval by the state forms management program. 4489~~

~~(C) Any form required by a state agency on an emergency basis 4490~~
~~may be given interim approval by the state forms management 4491~~
~~program if the form is accompanied by a letter from the director 4492~~
~~or other head of the agency setting forth the nature of the 4493~~
~~emergency and requesting interim approval. 4494~~

Sec. 125.97. All forms, ~~other than those forms subject to 4495~~
~~division (B) of section 125.95 of the Revised Code, used to obtain 4496~~
information from private business, agriculture, or local 4497
governments, except those forms used by the tax commissioner for 4498
administration of taxes and programs, shall contain a conspicuous 4499
notice on the first page setting forth the authorization for the 4500
form and stating whether providing the information sought is 4501
required or voluntary, and any penalties that apply to failure to 4502
provide the information. 4503

Sec. 125.98. (A) Each state agency shall appoint a forms 4504

management representative, who may be from existing personnel. The 4505
appointee shall cooperate with, and provide other necessary 4506
assistance to, the director of administrative services and the 4507
state forms management program in implementing the program. A 4508
forms management representative shall do all of the following: 4509

(1) Manage the agency's forms management program and 4510
cooperate with and provide other necessary assistance to the 4511
director of administrative services in implementing the state 4512
forms management program; 4513

(2) Monitor the use and reproduction of all forms to ensure 4514
that all policies, procedures, guidelines, and standards 4515
established by the agency and the director of administrative 4516
services are followed; 4517

~~(3) Ensure that every form used by the agency is presented to 4518
the state forms management program for registration prior to its 4519
reproduction;~~ 4520

~~(4) Maintain a master forms file history file, in numeric 4521
order, of all agency forms;~~ 4522

~~(5) Verify and update the all historical information on all 4523
forms in the agency's central forms repository database.~~ 4524

(B) Any state agency, as defined in section 1.60 of the 4525
Revised Code, not included within the definition of a state agency 4526
in section 125.91 of the Revised Code may elect to participate in 4527
the state forms management program. The program may provide to any 4528
such agency any service required or authorized by sections 125.92 4529
to 125.98 of the Revised Code to be performed for a state agency. 4530

Sec. 126.07. ~~No~~ Except as provided in division (B) of section 4531
126.21 of the Revised Code, no contract, agreement, or obligation 4532
involving the expenditure of money chargeable to an appropriation, 4533
nor any resolution or order for the expenditure of money 4534

chargeable to an appropriation, shall be valid and enforceable 4535
unless the director of budget and management first certifies that 4536
there is a balance in the appropriation not already obligated to 4537
pay existing obligations, in an amount at least equal to the 4538
portion of the contract, agreement, obligation, resolution, or 4539
order to be performed in the current fiscal year. Any written 4540
contract or agreement entered into by the state shall contain a 4541
clause stating that the obligations of the state are subject to 4542
this section. 4543

The chief administrative officer of a state agency is 4544
responsible for the preaudit and approval of expenditures and 4545
other transactions of the agency. In order to ~~make~~ initiate the 4546
making of a payment from the state treasury, the person in a state 4547
agency who requests that the payment be made shall first submit to 4548
the ~~director~~ chief administrative officer of the agency all 4549
invoices, claims, vouchers, and other ~~evidentiary matter~~ 4550
documentation related to the payment. ~~If the director approves~~ 4551
~~payment to be made, the director shall draw a warrant as provided~~ 4552
~~in section 126.35 of the Revised Code.~~ The chief administrative 4553
officer shall examine each voucher and all other documentation 4554
required to support the voucher and determine whether they meet 4555
all the requirements established by the director of budget and 4556
management for making the payment. If they do meet those 4557
requirements, the chief administrative officer shall certify to 4558
the director the approval of the chief administrative officer for 4559
payment. 4560

Prior to drawing a warrant as provided in section 126.35 of 4561
the Revised Code, the director may review and audit the voucher, 4562
any documentation accompanying the voucher, and any other 4563
documentation related to the transaction that the director may 4564
require to determine if the transaction is in accordance with law. 4565
The director shall not approve payment to be made if the director 4566

finds that there is not an unobligated balance in the 4567
appropriation for the payment, that the payment is not for a valid 4568
claim against the state that is legally due, or that insufficient 4569
~~evidentiary matter~~ documentation has been submitted. If the 4570
director does not approve payment, the director shall notify the 4571
agency of the reasons the director has not given approval. 4572

In approving payments to be made under this section, the 4573
director, upon receipt of certification from the director of job 4574
and family services pursuant to section 4141.231 of the Revised 4575
Code, shall withhold from amounts otherwise payable to a person 4576
who is the subject of the director of jobs and family services' 4577
certification, the amount certified to be due and unpaid to the 4578
director of job and family services, and shall approve for payment 4579
to the director of job and family services, the amount withheld. 4580

As used in this section and in section 126.21 of the Revised 4581
Code, "chief administrative officer" means either of the 4582
following: 4583

(A) The director of the agency or, in the case of a state 4584
agency without a director, the equivalent officer of that agency; 4585

(B) The designee of the chief administrative officer for the 4586
purposes of such sections. 4587

Sec. 126.08. The director of budget and management may 4588
exercise control over the financial transactions of state 4589
agencies, including approving, disapproving, voiding, or 4590
invalidating encumbrances or transactions, except those in the 4591
judicial and legislative branches, by: 4592

(A) Requiring encumbrancing documents or any other financial 4593
information to be submitted to the director, ~~where such submission~~ 4594
~~is prescribed by law or where the director considers such~~ 4595
~~submission necessary~~ to evaluate the legality of a proposed an 4596

expenditure, and by ~~approving or disapproving any encumbrance~~ 4597
~~requested~~, except that the director shall not disapprove any 4598
encumbrancing document submitted by the attorney general, auditor 4599
of state, secretary of state, or treasurer of state unless there 4600
is an insufficient unobligated balance in the appropriation or the 4601
encumbrance does not meet all other legal requirements. Those 4602
portions of an appropriation that are encumbered are not available 4603
for expenditure for any purpose other than that indicated on the 4604
encumbrancing document. If any requirements of the director 4605
regarding the submission of encumbrancing documents or other 4606
financial information are not complied with, or if any 4607
encumbrancing document is disapproved in whole or in part, the 4608
director shall notify the submitting agency thereof and shall not 4609
authorize payment unless the reasons for disapproval are 4610
corrected. 4611

(B) Requiring the allocation and allotment of any 4612
appropriation by quarter or by any other period of time. 4613

(C) Reporting to the attorney general for such action, civil 4614
or criminal, as the attorney general considers necessary, all 4615
facts showing improper payment of public money or misappropriation 4616
of public property; 4617

(D) By adopting rules for carrying into effect any powers 4618
granted by this chapter. 4619

Sec. 126.17. (A) There is hereby established the position of 4620
state chief information officer, who shall be appointed by the 4621
director of budget and management and subject to removal at the 4622
pleasure of the director. The state chief information officer 4623
shall report to the director of budget and management and shall be 4624
an assistant director of the office of budget and management in 4625
addition to the assistant director created in section 121.05 of 4626
the Revised Code. There is the office of information technology in 4627

the office of budget and management. The office of information 4628
technology shall be supervised by the state chief information 4629
officer, subject to the authority of the director of budget and 4630
management. The state chief information officer shall have all 4631
authority granted to the office of information technology, and the 4632
exercise of that authority shall be subject to the approval of the 4633
director of budget and management. 4634

(B) The state chief information officer shall annually submit 4635
a report to the governor regarding the statewide superintendence 4636
of information technology and implementation of statewide 4637
information technology policy. 4638

(C) The state chief information officer shall lead, oversee, 4639
and direct state agency activities related to information 4640
technology development and use. In that regard, the state chief 4641
information officer shall do all of the following: 4642

(1) Coordinate and superintend statewide efforts to promote 4643
common use and development of technology by state agencies. The 4644
office of information technology shall establish policies and 4645
standards that govern and direct state agency participation in 4646
statewide programs and initiatives. 4647

(2) Establish policies and standards for the acquisition and 4648
use of information technology by state agencies, including, but 4649
not limited to, hardware, software, technology services, and 4650
security, with which state agencies shall comply; 4651

(3) Establish criteria and review processes to identify state 4652
agency information technology projects that require alignment or 4653
oversight. As appropriate, the state chief information officer 4654
shall provide the director of budget and management with notice 4655
and advice regarding the appropriate allocation of resources for 4656
those projects. The state chief information officer may prescribe 4657
the form and manner by which state agencies must provide, and may 4658

require state agencies to provide, information to fulfill the 4659
state chief information officer's alignment and oversight role. 4660

(D) The office of information technology has the authority 4661
for the purchase of information technology supplies and services 4662
for state agencies consistent with sections 125.01, 125.011, 4663
125.02, 125.023, 125.04, 125.05, 125.06, 125.07, 125.071, 125.072, 4664
125.081, 125.09, 125.10, 125.11, 125.15, and 125.25 of the Revised 4665
Code. 4666

(E) The office of information technology may make contracts 4667
for, operate, and superintend technology supplies and services for 4668
state agencies in accordance with this chapter. 4669

(F) The office of information technology may establish 4670
cooperative agreements with federal and local government agencies 4671
and state agencies that are not under the authority of the 4672
governor for the provision of technology services and the 4673
development of technology projects. 4674

(G) As used in this section, "state agency" includes every 4675
organized body, office, or agency established by the laws of the 4676
state for the exercise of any function of state government, other 4677
than any state-supported institution of higher education, the 4678
office of the auditor of state, treasurer of state, secretary of 4679
state, or attorney general, the public employees retirement 4680
system, the Ohio police and fire pension fund, the state teachers 4681
retirement system, the school employees retirement system, the 4682
state highway patrol retirement system, the general assembly or 4683
any legislative agency, or the courts or any judicial agency. 4684

(H) There is hereby created in the state treasury the IT 4685
governance fund for the purpose of carrying out the office of 4686
information technology's responsibilities described in this 4687
section. The fund shall consist of revenues generated from payroll 4688
charges, billed services, administrative assessments, and other 4689

revenues designated to support the responsibilities described in 4690
this section. 4691

Sec. 126.18. (A) The office of information technology shall 4692
do both of the following: 4693

(1) Create a business reply form that is capable of 4694
containing information that a private business is required to 4695
provide to state agencies on a regular basis. The office of 4696
information technology shall adopt rules in accordance with 4697
Chapter 119. of the Revised Code specifying the information that 4698
the form shall contain. State agencies shall use the business 4699
reply form to obtain information from private businesses. 4700

(2) Maintain the Ohio business gateway, as defined in section 4701
718.051 of the Revised Code. 4702

In creating the business reply form described in division 4703
(A)(1) of this section, the office of information technology may 4704
consider the recommendations of interested parties from the small 4705
business community who have direct knowledge of and familiarity 4706
with the current state reporting requirements that apply to, and 4707
the associated forms that are filed by, small businesses. 4708

(B) The office of information technology shall establish 4709
procedures by which state agencies may share the information that 4710
is collected through the form established under division (A) of 4711
this section. These procedures shall provide that information that 4712
has been designated as confidential by any state agency shall not 4713
be made available to the other state agencies having access to the 4714
business reply form. 4715

(C) The office of information technology may report to the 4716
director of budget and management and to the committees having 4717
jurisdiction over finance and state government affairs in the 4718
house of representatives and the senate on the progress of state 4719

agencies in complying with division (A)(1) of this section. The 4720
office of information technology may recommend a five per cent 4721
reduction in the future appropriations of any state agency that 4722
has failed to comply with that division without good cause. 4723

(D) As used in this section: 4724

(1) "State agency" has the same meaning as defined in section 4725
126.17 of the Revised Code. 4726

(2) "Form" has the same meaning as defined in section 125.91 4727
of the Revised Code. 4728

Sec. 126.19. (A) There is established the multi-agency radio 4729
communications system (MARCS). The system shall be a computer and 4730
communications network to provide voice and data communications 4731
statewide maintained by the office of information technology. 4732
MARCS shall supply a communications backbone for statewide public 4733
safety uses in a single system shared by several state agencies. 4734
The system shall provide mobile voice, data, vehicle location 4735
services, and computer-aided dispatching. The office of 4736
information technology shall promote MARCS as a statewide 4737
interoperable communications system for public safety agencies at 4738
all levels of government. Subject to the approval of the MARCS 4739
steering committee, the office of information technology may make 4740
MARCS available to agencies for uses not related to public safety. 4741

(B) There is hereby established a MARCS steering committee 4742
consisting of the designees of the state chief information 4743
officer; the directors of public safety, health, natural 4744
resources, transportation, rehabilitation and correction, and 4745
youth services; and a designee not from a state agency who shall 4746
be appointed by the state chief information officer. The state 4747
chief information officer or the officer's designee shall chair 4748
the committee. The committee shall provide assistance to the 4749
office of information technology for effective and efficient 4750

implementation of the MARCS system as well as develop policies for 4751
the ongoing management of the system. Upon dates prescribed by the 4752
state chief information officer, the MARCS steering committee 4753
shall report to the state chief information officer on the 4754
progress of MARCS implementation and the development of policies 4755
related to the system. The MARCS steering committee may permit 4756
secondary uses of MARCS not related to public safety so long as 4757
those secondary uses do not interfere with the system's primary 4758
use for public safety. 4759

Sec. 126.21. (A) The director of budget and management shall 4760
do all of the following: 4761

(1) Keep all necessary accounting records; 4762

(2) Prescribe and maintain the accounting system of the state 4763
and establish appropriate accounting procedures and charts of 4764
accounts; 4765

(3) Establish procedures for the use of written, electronic, 4766
optical, or other communications media for approving and reviewing 4767
payment vouchers; 4768

(4) Reconcile, in the case of any variation between the 4769
amount of any appropriation and the aggregate amount of items of 4770
the appropriation, with the advice and assistance of the state 4771
agency affected by it and the legislative service commission, 4772
totals so as to correspond in the aggregate with the total 4773
appropriation. In the case of a conflict between the item and the 4774
total of which it is a part, the item shall be considered the 4775
intended appropriation. 4776

(5) Evaluate on an ongoing basis and, if necessary, recommend 4777
improvements to the internal controls used in state agencies; 4778

(6) Authorize the establishment of petty cash accounts. The 4779
~~director of budget and management~~ may withdraw approval for any 4780

petty cash account and require the officer in charge to return to 4781
the state treasury any unexpended balance shown by the officer's 4782
accounts to be on hand. Any officer who is issued a warrant for 4783
petty cash shall render a detailed account of the expenditures of 4784
the petty cash and shall report when requested the balance of 4785
petty cash on hand at any time. 4786

(7) Process orders, invoices, vouchers, claims, and payrolls 4787
and prepare financial reports and statements; 4788

(8) Perform extensions, reviews, and compliance checks prior 4789
to or after approving a payment as the director considers 4790
necessary; 4791

(9) Issue the official comprehensive annual financial report 4792
of the state. The report shall cover all funds of the state 4793
reporting entity and shall include basic financial statements and 4794
required supplementary information prepared in accordance with 4795
generally accepted accounting principles and other information as 4796
the director provides. All state agencies, authorities, 4797
institutions, offices, retirement systems, and other component 4798
units of the state reporting entity as determined by the director 4799
shall furnish the director whatever financial statements and other 4800
information the director requests for the report, in the form, at 4801
the times, covering the periods, and with the attestation the 4802
director prescribes. The information for state institutions of 4803
higher education, as defined in section 3345.011 of the Revised 4804
Code, shall be submitted to the ~~director~~ chancellor by the Ohio 4805
board of regents. The board shall establish a due date by which 4806
each such institution shall submit the information to the board, 4807
but no such date shall be later than one hundred twenty days after 4808
the end of the state fiscal year unless a later date is approved 4809
by the director. 4810

(B) In addition to the director's duties under division (A) 4811
of this section, the director ~~of budget and management~~ may 4812

establish and administer one or more state payment card programs 4813
that permit or require state agencies to use a payment card to 4814
purchase equipment, materials, supplies, or services in accordance 4815
with guidelines issued by the director. The chief administrative 4816
officer of a state agency that uses a payment card for such 4817
purposes shall ensure that purchases made with the card are made 4818
in accordance with the guidelines issued by the director and do 4819
not exceed the unexpended, unencumbered, unobligated balance in 4820
the appropriation to be charged for the purchase. State agencies 4821
may ~~only~~ participate in only those state payment card programs 4822
that the director establishes pursuant to this section. 4823

(C) In addition to the director's duties under divisions (A) 4824
and (B) of this section, the director may enter into any contract 4825
or agreement necessary for and incidental to the performance of 4826
the director's duties or the duties of the office of budget and 4827
management. 4828

Sec. 126.22. The director of budget and management may: 4829

(A) Perform accounting services for and design and implement 4830
accounting systems with state agencies; 4831

(B) Provide other accounting services, including the 4832
maintenance and periodic auditing of the financial records of and 4833
submission of vouchers by state agencies, provision of assistance 4834
in the analysis of the financial position of state agencies, and 4835
preparation and submission of reports; 4836

(C) Change any accounting code appearing in appropriations 4837
acts of the general assembly. 4838

Sec. 126.24. The OAKS support organization fund is hereby 4839
created in the state treasury for the purpose of paying the 4840
operating expenses of the state's enterprise resource planning 4841
system. The fund shall consist of cash transfers from the 4842

accounting and budgeting fund and the human resources services 4843
fund, and other revenues designated to support the operating costs 4844
of the Ohio administrative knowledge system. All investment 4845
earnings of the fund shall be credited to the fund. 4846

Sec. 126.40. There is hereby created in the state treasury 4847
the forgery recovery fund. The fund shall consist of all moneys 4848
collected by the attorney general from the resolution of cases of 4849
fraud or forgery involving warrants issued by the director of the 4850
office of budget and management. The director shall use the fund 4851
to pay costs associated with the reissue of state warrants to 4852
payees whose warrants were fraudulently redeemed. 4853

Sec. 127.14. The controlling board may, at the request of any 4854
state agency or the director of budget and management, authorize, 4855
with respect to the provisions of any appropriation act: 4856
4857

(A) Transfers of all or part of an appropriation within but 4858
not between state agencies, except such transfers as the director 4859
of budget and management is authorized by law to make, provided 4860
that no transfer shall be made by the director for the purpose of 4861
effecting new or changed levels of program service not authorized 4862
by the general assembly; 4863

(B) Transfers of all or part of an appropriation from one 4864
fiscal year to another; 4865

(C) Transfers of all or part of an appropriation within or 4866
between state agencies made necessary by administrative 4867
reorganization or by the abolition of an agency or part of an 4868
agency; 4869

(D) Transfers of all or part of cash balances in excess of 4870
needs from any fund of the state to the general revenue fund or to 4871

such other fund of the state to which the money would have been 4872
credited in the absence of the fund from which the transfers are 4873
authorized to be made, except that the controlling board may not 4874
authorize such transfers from the accrued leave liability fund, 4875
auto registration distribution fund, budget stabilization fund, 4876
development bond retirement fund, facilities establishment fund, 4877
gasoline excise tax fund, general revenue fund, higher education 4878
improvement fund, highway improvement bond retirement fund, 4879
highway obligations bond retirement fund, highway capital 4880
improvement fund, highway operating fund, horse racing tax fund, 4881
improvements bond retirement fund, ~~library and local government~~ 4882
~~support libraries~~ fund, liquor control fund, local ~~government~~ 4883
~~communities~~ fund, local transportation improvement program fund, 4884
mental health facilities improvement fund, Ohio fairs fund, parks 4885
and recreation improvement fund, public improvements bond 4886
retirement fund, school district income tax fund, state agency 4887
facilities improvement fund, state and local government highway 4888
distribution fund, state highway safety fund, state lottery fund, 4889
undivided liquor permit fund, Vietnam conflict compensation bond 4890
retirement fund, volunteer fire fighters' dependents fund, 4891
waterways safety fund, wildlife fund, workers' compensation fund, 4892
or any fund not specified in this division that the director of 4893
budget and management determines to be a bond fund or bond 4894
retirement fund; 4895

(E) Transfers of all or part of those appropriations included 4896
in the emergency purposes account of the controlling board; 4897

(F) Temporary transfers of all or part of an appropriation or 4898
other moneys into and between existing funds, or new funds, as may 4899
be established by law when needed for capital outlays for which 4900
notes or bonds will be issued; 4901

(G) Transfer or release of all or part of an appropriation to 4902
a state agency requiring controlling board approval of such 4903

transfer or release as provided by law; 4904

(H) Temporary transfer of funds included in the emergency 4905
purposes appropriation of the controlling board. Such temporary 4906
transfers may be made subject to conditions specified by the 4907
controlling board at the time temporary transfers are authorized. 4908
No transfers shall be made under this division for the purpose of 4909
effecting new or changed levels of program service not authorized 4910
by the general assembly. 4911

As used in this section, "request" means an application by a 4912
state agency or the director of budget and management seeking some 4913
action by the controlling board. 4914

When authorizing the transfer of all or part of an 4915
appropriation under this section, the controlling board may 4916
authorize the transfer to an existing appropriation item and the 4917
creation of and transfer to a new appropriation item. 4918

Whenever there is a transfer of all or part of funds included 4919
in the emergency purposes appropriation by the controlling board, 4920
pursuant to division (E) of this section, the state agency or the 4921
director of budget and management receiving such transfer shall 4922
keep a detailed record of the use of the transferred funds. At the 4923
earliest scheduled meeting of the controlling board following the 4924
accomplishment of the purposes specified in the request originally 4925
seeking the transfer, or following the total expenditure of the 4926
transferred funds for the specified purposes, the state agency or 4927
the director of budget and management shall submit a report on the 4928
expenditure of such funds to the board. The portion of any 4929
appropriation so transferred which is not required to accomplish 4930
the purposes designated in the original request to the controlling 4931
board shall be returned to the proper appropriation of the 4932
controlling board at this time. 4933

Notwithstanding any provisions of law providing for the 4934

deposit of revenues received by a state agency to the credit of a 4935
particular fund in the state treasury, whenever there is a 4936
temporary transfer of funds included in the emergency purposes 4937
appropriation of the controlling board pursuant to division (H) of 4938
this section, revenues received by any state agency receiving such 4939
a temporary transfer of funds shall, as directed by the 4940
controlling board, be transferred back to the emergency purposes 4941
appropriation. 4942

The board may delegate to the director of budget and 4943
management authority to approve transfers among items of 4944
appropriation under division (A) of this section. 4945

Sec. 127.16. (A) Upon the request of either a state agency or 4946
the director of budget and management and after the controlling 4947
board determines that an emergency or a sufficient economic reason 4948
exists, the controlling board may approve the making of a purchase 4949
without competitive selection as provided in division (B) of this 4950
section. 4951

(B) Except as otherwise provided in this section, no state 4952
agency, using money that has been appropriated to it directly, 4953
shall: 4954

(1) Make any purchase from a particular supplier, that would 4955
amount to fifty thousand dollars or more when combined with both 4956
the amount of all disbursements to the supplier during the fiscal 4957
year for purchases made by the agency and the amount of all 4958
outstanding encumbrances for purchases made by the agency from the 4959
supplier, unless the purchase is made by competitive selection or 4960
with the approval of the controlling board; 4961

(2) Lease real estate from a particular supplier, if the 4962
lease would amount to seventy-five thousand dollars or more when 4963
combined with both the amount of all disbursements to the supplier 4964
during the fiscal year for real estate leases made by the agency 4965

and the amount of all outstanding encumbrances for real estate 4966
leases made by the agency from the supplier, unless the lease is 4967
made by competitive selection or with the approval of the 4968
controlling board. 4969

(C) Any person who authorizes a purchase in violation of 4970
division (B) of this section shall be liable to the state for any 4971
state funds spent on the purchase, and the attorney general shall 4972
collect the amount from the person. 4973

(D) Nothing in division (B) of this section shall be 4974
construed as: 4975

(1) A limitation upon the authority of the director of 4976
transportation as granted in sections 5501.17, 5517.02, and 4977
5525.14 of the Revised Code; 4978

(2) Applying to medicaid provider agreements under Chapter 4979
5111. of the Revised Code or payments or provider agreements under 4980
the disability medical assistance program established under 4981
Chapter 5115. of the Revised Code; 4982

(3) Applying to the purchase of examinations from a sole 4983
supplier by a state licensing board under Title XLVII of the 4984
Revised Code; 4985

(4) Applying to entertainment contracts for the Ohio state 4986
fair entered into by the Ohio expositions commission, provided 4987
that the controlling board has given its approval to the 4988
commission to enter into such contracts and has approved a total 4989
budget amount for such contracts as agreed upon by commission 4990
action, and that the commission causes to be kept itemized records 4991
of the amounts of money spent under each contract and annually 4992
files those records with the clerk of the house of representatives 4993
and the clerk of the senate following the close of the fair; 4994

(5) Limiting the authority of the chief of the division of 4995
mineral resources management to contract for reclamation work with 4996

an operator mining adjacent land as provided in section 1513.27 of 4997
the Revised Code; 4998

(6) Applying to investment transactions and procedures of any 4999
state agency, except that the agency shall file with the board the 5000
name of any person with whom the agency contracts to make, broker, 5001
service, or otherwise manage its investments, as well as the 5002
commission, rate, or schedule of charges of such person with 5003
respect to any investment transactions to be undertaken on behalf 5004
of the agency. The filing shall be in a form and at such times as 5005
the board considers appropriate. 5006

(7) Applying to purchases made with money for the per cent 5007
for arts program established by section 3379.10 of the Revised 5008
Code; 5009

(8) Applying to purchases made by the rehabilitation services 5010
commission of services, or supplies, that are provided to persons 5011
with disabilities, or to purchases made by the commission in 5012
connection with the eligibility determinations it makes for 5013
applicants of programs administered by the social security 5014
administration; 5015

(9) Applying to payments by the department of job and family 5016
services under section 5111.13 of the Revised Code for group 5017
health plan premiums, deductibles, coinsurance, and other 5018
cost-sharing expenses; 5019

(10) Applying to any agency of the legislative branch of the 5020
state government; 5021

(11) Applying to agreements or contracts entered into under 5022
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the 5023
Revised Code; 5024

(12) Applying to purchases of services by the adult parole 5025
authority under section 2967.14 of the Revised Code or by the 5026
department of youth services under section 5139.08 of the Revised 5027

Code;	5028
(13) Applying to dues or fees paid for membership in an organization or association;	5029 5030
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	5031 5032
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	5033 5034 5035 5036
(16) Applying to purchases of tickets for passenger air transportation;	5037 5038
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	5039 5040 5041
(18) Applying to the judicial branch of state government;	5042
(19) Applying to purchases of liquor for resale by the division of liquor control;	5043 5044
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	5045 5046 5047
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	5048 5049 5050 5051
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	5052 5053 5054
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	5055 5056

(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;

(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;

(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;

(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under ~~sections~~ section 5123.18, ~~5123.182,~~ and ~~5123.199~~ of the Revised Code;

(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;

(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.

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

(31) Applying to the department of job and family services' purchases of health assistance services under the children's

health insurance program part I provided for under section 5101.50 5088
of the Revised Code or the children's health insurance program 5089
part II provided for under section 5101.51 of the Revised Code; 5090

(32) Applying to payments by the attorney general from the 5091
reparations fund to hospitals and other emergency medical 5092
facilities for performing medical examinations to collect physical 5093
evidence pursuant to section 2907.28 of the Revised Code; 5094

(33) Applying to contracts with a contracting authority or 5095
administrative receiver under division (B) of section 5126.056 of 5096
the Revised Code; 5097

(34) Applying to reimbursements paid to the United States 5098
department of veterans affairs for pharmaceutical and patient 5099
supply purchases made on behalf of the Ohio veterans' home agency; 5100

(35) Applying to agreements entered into with terminal 5101
distributors of dangerous drugs under section 5110.20 of the 5102
Revised Code. 5103

(E) Notwithstanding division (B)(1) of this section, the 5104
cumulative purchase threshold shall be seventy-five thousand 5105
dollars for the departments of mental retardation and 5106
developmental disabilities, mental health, rehabilitation and 5107
correction, and youth services. 5108

(F) When determining whether a state agency has reached the 5109
cumulative purchase thresholds established in divisions (B)(1), 5110
(B)(2), and (E) of this section, all of the following purchases by 5111
such agency shall not be considered: 5112

(1) Purchases made through competitive selection or with 5113
controlling board approval; 5114

(2) Purchases listed in division (D) of this section; 5115

(3) For the purposes of the thresholds of divisions (B)(1) 5116
and (E) of this section only, leases of real estate. 5117

(G) As used in this section, "competitive selection," 5118
"purchase," "supplies," and "services" have the same meanings as 5119
in section 125.01 of the Revised Code. 5120

Sec. 131.44. (A) As used in this section: 5121

(1) "Surplus revenue" means the excess, if any, of the total 5122
fund balance over the required year-end balance. 5123

(2) "Total fund balance" means the sum of the unencumbered 5124
balance in the general revenue fund on the last day of the 5125
preceding fiscal year plus the balance in the budget stabilization 5126
fund. 5127

(3) "Required year-end balance" means the sum of the 5128
following: 5129

(a) Five per cent of the general revenue fund revenues for 5130
the preceding fiscal year; 5131

(b) "Ending fund balance," which means one-half of one per 5132
cent of general revenue fund revenues for the preceding fiscal 5133
year; 5134

(c) "Carryover balance," which means, with respect to a 5135
fiscal biennium, the excess, if any, of the estimated general 5136
revenue fund appropriation and transfer requirement for the second 5137
fiscal year of the biennium over the estimated general revenue 5138
fund revenue for that fiscal year; 5139

(d) "Capital appropriation reserve," which means the amount, 5140
if any, of general revenue fund capital appropriations made for 5141
the current biennium that the director of budget and management 5142
has determined will be encumbered or disbursed; 5143

(e) "Income tax reduction impact reserve," which means an 5144
amount equal to the reduction projected by the director of budget 5145
and management in income tax revenue in the current fiscal year 5146
attributable to the previous reduction in the income tax rate made 5147

by the tax commissioner pursuant to division (B) of section 5148
5747.02 of the Revised Code. 5149

(4) "Estimated general revenue fund appropriation and 5150
transfer requirement" means the most recent adjusted 5151
appropriations made by the general assembly from the general 5152
revenue fund and includes both of the following: 5153

(a) Appropriations made and transfers of appropriations from 5154
the first fiscal year to the second fiscal year of the biennium in 5155
provisions of acts of the general assembly signed by the governor 5156
but not yet effective; 5157

(b) Transfers of appropriation from the first fiscal year to 5158
the second fiscal year of the biennium approved by the controlling 5159
board. 5160

(5) "Estimated general revenue fund revenue" means the most 5161
recent such estimate available to the director of budget and 5162
management. 5163

(B)(1) Not later than the thirty-first day of July each year, 5164
the director of budget and management shall determine the surplus 5165
revenue that existed on the preceding thirtieth day of June and 5166
transfer from the general revenue fund, to the extent of the 5167
unobligated, unencumbered balance on the preceding thirtieth day 5168
of June in excess of one-half of one per cent of the general 5169
revenue fund revenues in the preceding fiscal year, the following: 5170

(a) First, to the budget stabilization fund, any amount 5171
necessary for the balance of the budget stabilization fund to 5172
equal five per cent of the general revenue fund revenues of the 5173
preceding fiscal year; 5174

(b) Then, to the income tax reduction fund, which is hereby 5175
created in the state treasury, an amount equal to the surplus 5176
revenue. 5177

(2) Not later than the thirty-first day of July each year, 5178
the director shall determine the percentage that the balance in 5179
the income tax reduction fund is of the amount of revenue that the 5180
director estimates will be received from the tax levied under 5181
section 5747.02 of the Revised Code in the current fiscal year 5182
without regard to any reduction under division (B) of that 5183
section. If that percentage exceeds thirty-five one hundredths of 5184
one per cent, the director shall certify the percentage to the tax 5185
commissioner not later than the thirty-first day of July. 5186

(C) The director of budget and management shall transfer 5187
money in the income tax reduction fund to the general revenue 5188
fund, the local ~~government~~ communities fund, and the ~~library and~~ 5189
local ~~government support~~ libraries fund, ~~and the local government~~ 5190
~~revenue assistance fund~~ as necessary to offset revenue reductions 5191
resulting from the reductions in taxes required under division (B) 5192
of section 5747.02 of the Revised Code in the respective amounts 5193
and percentages prescribed by ~~divisions~~ division (A)~~(1), (2), and~~ 5194
~~(4)~~ of section 5747.03 and divisions (A) and (B) of section 133.51 5195
of the Revised Code as if the amount transferred had been 5196
collected as taxes under Chapter 5747. of the Revised Code. If no 5197
reductions in taxes are made under that division that affect 5198
revenue received in the current fiscal year, the director shall 5199
not transfer money from the income tax reduction fund to the 5200
general revenue fund, the local ~~government~~ communities fund, and 5201
the ~~library and~~ local ~~government support~~ libraries fund, ~~and the~~ 5202
~~local government revenue assistance fund.~~ 5203

Sec. 131.51. (A) Beginning January 2008, on or before the 5204
fifth day of each month, the director of budget and management 5205
shall credit to the local communities fund, which is hereby 5206
created in the state treasury, three and sixty-five one hundredths 5207
per cent of total tax revenue credited to the general revenue fund 5208
during the preceding month. In determining the total tax revenue 5209

credited to the general revenue fund during the preceding month, 5210
the director shall include amounts transferred from that fund 5211
during the preceding month pursuant to divisions (A) and (B) of 5212
this section. Money shall be distributed from the local 5213
communities fund as required under section 5747.50 of the Revised 5214
Code during the same month in which it is credited to the fund. 5215

(B) Beginning January 2008, on or before the fifth day of 5216
each month, the director of budget and management shall credit to 5217
the local libraries fund, which is hereby created in the state 5218
treasury, two and two-tenths per cent of the total tax revenue 5219
credited to the general revenue fund during the preceding month. 5220
In determining the total tax revenue credited to the general 5221
revenue fund during the preceding month, the director shall 5222
include amounts transferred from that fund during the preceding 5223
month pursuant to divisions (A) and (B) of this section. Money 5224
shall be distributed from the local libraries fund as required 5225
under section 5747.47 of the Revised Code during the same month in 5226
which it is credited to the fund. 5227

(C) The director of budget and management shall develop a 5228
schedule identifying the specific tax revenue sources to be used 5229
to make the monthly transfers required under divisions (A) and (B) 5230
of this section. The director may, from time to time, revise the 5231
schedule as the director considers necessary. 5232

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 5233
and 2151.655 of the Revised Code, in other sections of the Revised 5234
Code that make reference to this chapter unless the context does 5235
not permit, and in related proceedings, unless otherwise expressly 5236
provided: 5237

(A) "Acquisition" as applied to real or personal property 5238
includes, among other forms of acquisition, acquisition by 5239

exercise of a purchase option, and acquisition of interests in 5240
property, including, without limitation, easements and 5241
rights-of-way, and leasehold and other lease interests initially 5242
extending or extendable for a period of at least sixty months. 5243

(B) "Anticipatory securities" means securities, including 5244
notes, issued in anticipation of the issuance of other securities. 5245

(C) "Board of elections" means the county board of elections 5246
of the county in which the subdivision is located. If the 5247
subdivision is located in more than one county, "board of 5248
elections" means the county board of elections of the county that 5249
contains the largest portion of the population of the subdivision 5250
or that otherwise has jurisdiction in practice over and 5251
customarily handles election matters relating to the subdivision. 5252

(D) "Bond retirement fund" means the bond retirement fund 5253
provided for in section 5705.09 of the Revised Code, and also 5254
means a sinking fund or any other special fund, regardless of the 5255
name applied to it, established by or pursuant to law or the 5256
proceedings for the payment of debt charges. Provision may be made 5257
in the applicable proceedings for the establishment in a bond 5258
retirement fund of separate accounts relating to debt charges on 5259
particular securities, or on securities payable from the same or 5260
common sources, and for the application of moneys in those 5261
accounts only to specified debt charges on specified securities or 5262
categories of securities. Subject to law and any provisions in the 5263
applicable proceedings, moneys in a bond retirement fund or 5264
separate account in a bond retirement fund may be transferred to 5265
other funds and accounts. 5266

(E) "Capitalized interest" means all or a portion of the 5267
interest payable on securities from their date to a date stated or 5268
provided for in the applicable legislation, which interest is to 5269
be paid from the proceeds of the securities. 5270

(F) "Chapter 133. securities" means securities authorized by 5271
or issued pursuant to or in accordance with this chapter. 5272

(G) "County auditor" means the county auditor of the county 5273
in which the subdivision is located. If the subdivision is located 5274
in more than one county, "county auditor" means the county auditor 5275
of the county that contains the highest amount of the tax 5276
valuation of the subdivision or that otherwise has jurisdiction in 5277
practice over and customarily handles property tax matters 5278
relating to the subdivision. In the case of a county that has 5279
adopted a charter, "county auditor" means the officer who 5280
generally has the duties and functions provided in the Revised 5281
Code for a county auditor. 5282

(H) "Credit enhancement facilities" means letters of credit, 5283
lines of credit, stand-by, contingent, or firm securities purchase 5284
agreements, insurance, or surety arrangements, guarantees, and 5285
other arrangements that provide for direct or contingent payment 5286
of debt charges, for security or additional security in the event 5287
of nonpayment or default in respect of securities, or for making 5288
payment of debt charges to and at the option and on demand of 5289
securities holders or at the option of the issuer or upon certain 5290
conditions occurring under put or similar arrangements, or for 5291
otherwise supporting the credit or liquidity of the securities, 5292
and includes credit, reimbursement, marketing, remarketing, 5293
indexing, carrying, interest rate hedge, and subrogation 5294
agreements, and other agreements and arrangements for payment and 5295
reimbursement of the person providing the credit enhancement 5296
facility and the security for that payment and reimbursement. 5297

(I) "Current operating expenses" or "current expenses" means 5298
the lawful expenditures of a subdivision, except those for 5299
permanent improvements and for payments of debt charges of the 5300
subdivision. 5301

(J) "Debt charges" means the principal, including any 5302

mandatory sinking fund deposits and mandatory redemption payments, 5303
interest, and any redemption premium, payable on securities as 5304
those payments come due and are payable. The use of "debt charges" 5305
for this purpose does not imply that any particular securities 5306
constitute debt within the meaning of the Ohio Constitution or 5307
other laws. 5308

(K) "Financing costs" means all costs and expenses relating 5309
to the authorization, including any required election, issuance, 5310
sale, delivery, authentication, deposit, custody, clearing, 5311
registration, transfer, exchange, fractionalization, replacement, 5312
payment, and servicing of securities, including, without 5313
limitation, costs and expenses for or relating to publication and 5314
printing, postage, delivery, preliminary and final official 5315
statements, offering circulars, and informational statements, 5316
travel and transportation, underwriters, placement agents, 5317
investment bankers, paying agents, registrars, authenticating 5318
agents, remarketing agents, custodians, clearing agencies or 5319
corporations, securities depositories, financial advisory 5320
services, certifications, audits, federal or state regulatory 5321
agencies, accounting and computation services, legal services and 5322
obtaining approving legal opinions and other legal opinions, 5323
credit ratings, redemption premiums, and credit enhancement 5324
facilities. Financing costs may be paid from any moneys available 5325
for the purpose, including, unless otherwise provided in the 5326
proceedings, from the proceeds of the securities to which they 5327
relate and, as to future financing costs, from the same sources 5328
from which debt charges on the securities are paid and as though 5329
debt charges. 5330

(L) "Fiscal officer" means the following, or, in the case of 5331
absence or vacancy in the office, a deputy or assistant authorized 5332
by law or charter to act in the place of the named officer, or if 5333
there is no such authorization then the deputy or assistant 5334

authorized by legislation to act in the place of the named officer	5335
for purposes of this chapter, in the case of the following	5336
subdivisions:	5337
(1) A county, the county auditor;	5338
(2) A municipal corporation, the city auditor or village	5339
clerk or clerk-treasurer, or the officer who, by virtue of a	5340
charter, has the duties and functions provided in the Revised Code	5341
for the city auditor or village clerk or clerk-treasurer;	5342
(3) A school district, the treasurer of the board of	5343
education;	5344
(4) A regional water and sewer district, the secretary of the	5345
board of trustees;	5346
(5) A joint township hospital district, the treasurer of the	5347
district;	5348
(6) A joint ambulance district, the clerk of the board of	5349
trustees;	5350
(7) A joint recreation district, the person designated	5351
pursuant to section 755.15 of the Revised Code;	5352
(8) A detention facility district or a district organized	5353
under section 2151.65 of the Revised Code or a combined district	5354
organized under sections 2152.41 and 2151.65 of the Revised Code,	5355
the county auditor of the county designated by law to act as the	5356
auditor of the district;	5357
(9) A township, a fire district organized under division (C)	5358
of section 505.37 of the Revised Code, or a township police	5359
district, the fiscal officer of the township;	5360
(10) A joint fire district, the clerk of the board of	5361
trustees of that district;	5362
(11) A regional or county library district, the person	5363
responsible for the financial affairs of that district;	5364

(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;

(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;

(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;

(15) A subdivision described in division (MM)(17) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer.

(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.

(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations.

(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner.

(P) "Fund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise.

(Q) "General obligation" means securities to the payment of debt charges on which the full faith and credit and the general property taxing power, including taxes within the tax limitation

if available to the subdivision, of the subdivision are pledged. 5395

(R) "Interest" or "interest equivalent" means those payments 5396
or portions of payments, however denominated, that constitute or 5397
represent consideration for forbearing the collection of money, or 5398
for deferring the receipt of payment of money to a future time. 5399

(S) "Internal Revenue Code" means the "Internal Revenue Code 5400
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 5401
includes any laws of the United States providing for application 5402
of that code. 5403

(T) "Issuer" means any public issuer and any nonprofit 5404
corporation authorized to issue securities for or on behalf of any 5405
public issuer. 5406

(U) "Legislation" means an ordinance or resolution passed by 5407
a majority affirmative vote of the then members of the taxing 5408
authority unless a different vote is required by charter 5409
provisions governing the passage of the particular legislation by 5410
the taxing authority. 5411

(V) "Mandatory sinking fund redemption requirements" means 5412
amounts required by proceedings to be deposited in a bond 5413
retirement fund for the purpose of paying in any year or fiscal 5414
year by mandatory redemption prior to stated maturity the 5415
principal of securities that is due and payable, except for 5416
mandatory prior redemption requirements as provided in those 5417
proceedings, in a subsequent year or fiscal year. 5418

(W) "Mandatory sinking fund requirements" means amounts 5419
required by proceedings to be deposited in a year or fiscal year 5420
in a bond retirement fund for the purpose of paying the principal 5421
of securities that is due and payable in a subsequent year or 5422
fiscal year. 5423

(X) "Net indebtedness" has the same meaning as in division 5424
(A) of section 133.04 of the Revised Code. 5425

(Y) "Obligor," in the case of securities or fractionalized 5426
interests in public obligations issued by another person the debt 5427
charges or their equivalents on which are payable from payments 5428
made by a public issuer, means that public issuer. 5429

(Z) "One purpose" relating to permanent improvements means 5430
any one permanent improvement or group or category of permanent 5431
improvements for the same utility, enterprise, system, or project, 5432
development or redevelopment project, or for or devoted to the 5433
same general purpose, function, or use or for which 5434
self-supporting securities, based on the same or different sources 5435
of revenues, may be issued or for which special assessments may be 5436
levied by a single ordinance or resolution. "One purpose" 5437
includes, but is not limited to, in any case any off-street 5438
parking facilities relating to another permanent improvement, and: 5439

(1) Any number of roads, highways, streets, bridges, 5440
sidewalks, and viaducts; 5441

(2) Any number of off-street parking facilities; 5442

(3) In the case of a county, any number of permanent 5443
improvements for courthouse, jail, county offices, and other 5444
county buildings, and related facilities; 5445

(4) In the case of a school district, any number of 5446
facilities and buildings for school district purposes, and related 5447
facilities. 5448

(AA) "Outstanding," referring to securities, means securities 5449
that have been issued, delivered, and paid for, except any of the 5450
following: 5451

(1) Securities canceled upon surrender, exchange, or 5452
transfer, or upon payment or redemption; 5453

(2) Securities in replacement of which or in exchange for 5454
which other securities have been issued; 5455

(3) Securities for the payment, or redemption or purchase for 5456
cancellation prior to maturity, of which sufficient moneys or 5457
investments, in accordance with the applicable legislation or 5458
other proceedings or any applicable law, by mandatory sinking fund 5459
redemption requirements, mandatory sinking fund requirements, or 5460
otherwise, have been deposited, and credited for the purpose in a 5461
bond retirement fund or with a trustee or paying or escrow agent, 5462
whether at or prior to their maturity or redemption, and, in the 5463
case of securities to be redeemed prior to their stated maturity, 5464
notice of redemption has been given or satisfactory arrangements 5465
have been made for giving notice of that redemption, or waiver of 5466
that notice by or on behalf of the affected security holders has 5467
been filed with the subdivision or its agent for the purpose. 5468

(BB) "Paying agent" means the one or more banks, trust 5469
companies, or other financial institutions or qualified persons, 5470
including an appropriate office or officer of the subdivision, 5471
designated as a paying agent or place of payment of debt charges 5472
on the particular securities. 5473

(CC) "Permanent improvement" or "improvement" means any 5474
property, asset, or improvement certified by the fiscal officer, 5475
which certification is conclusive, as having an estimated life or 5476
period of usefulness of five years or more, and includes, but is 5477
not limited to, real estate, buildings, and personal property and 5478
interests in real estate, buildings, and personal property, 5479
equipment, furnishings, and site improvements, and reconstruction, 5480
rehabilitation, renovation, installation, improvement, 5481
enlargement, and extension of property, assets, or improvements so 5482
certified as having an estimated life or period of usefulness of 5483
five years or more. The acquisition of all the stock ownership of 5484
a corporation is the acquisition of a permanent improvement to the 5485
extent that the value of that stock is represented by permanent 5486
improvements. A permanent improvement for parking, highway, road, 5487

and street purposes includes resurfacing, but does not include ordinary repair.

(DD) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes any federal, state, interstate, regional, or local governmental agency, any subdivision, and any combination of those persons.

(EE) "Proceedings" means the legislation, certifications, notices, orders, sale proceedings, trust agreement or indenture, mortgage, lease, lease-purchase agreement, assignment, credit enhancement facility agreements, and other agreements, instruments, and documents, as amended and supplemented, and any election proceedings, authorizing, or providing for the terms and conditions applicable to, or providing for the security or sale or award of, public obligations, and includes the provisions set forth or incorporated in those public obligations and proceedings.

(FF) "Public issuer" means any of the following that is authorized by law to issue securities or enter into public obligations:

(1) The state, including an agency, commission, officer, institution, board, authority, or other instrumentality of the state;

(2) A taxing authority, subdivision, district, or other local public or governmental entity, and any combination or consortium, or public division, district, commission, authority, department, board, officer, or institution, thereof;

(3) Any other body corporate and politic, or other public entity.

(GG) "Public obligations" means both of the following:

(1) Securities;

(2) Obligations of a public issuer to make payments under

installment sale, lease, lease purchase, or similar agreements, 5518
which obligations bear interest or interest equivalent. 5519

(HH) "Refund" means to fund and retire outstanding 5520
securities, including advance refunding with or without payment or 5521
redemption prior to maturity. 5522

(II) "Register" means the books kept and maintained by the 5523
registrar for registration, exchange, and transfer of registered 5524
securities. 5525

(JJ) "Registrar" means the person responsible for keeping the 5526
register for the particular registered securities, designated by 5527
or pursuant to the proceedings. 5528

(KK) "Securities" means bonds, notes, certificates of 5529
indebtedness, commercial paper, and other instruments in writing, 5530
including, unless the context does not admit, anticipatory 5531
securities, issued by an issuer to evidence its obligation to 5532
repay money borrowed, or to pay interest, by, or to pay at any 5533
future time other money obligations of, the issuer of the 5534
securities, but not including public obligations described in 5535
division (GG)(2) of this section. 5536

(LL) "Self-supporting securities" means securities or 5537
portions of securities issued for the purpose of paying costs of 5538
permanent improvements to the extent that receipts of the 5539
subdivision, other than the proceeds of taxes levied by that 5540
subdivision, derived from or with respect to the improvements or 5541
the operation of the improvements being financed, or the 5542
enterprise, system, project, or category of improvements of which 5543
the improvements being financed are part, are estimated by the 5544
fiscal officer to be sufficient to pay the current expenses of 5545
that operation or of those improvements or enterprise, system, 5546
project, or categories of improvements and the debt charges 5547
payable from those receipts on securities issued for the purpose. 5548

Until such time as the improvements or increases in rates and 5549
charges have been in operation or effect for a period of at least 5550
six months, the receipts therefrom, for purposes of this 5551
definition, shall be those estimated by the fiscal officer, except 5552
that those receipts may include, without limitation, payments made 5553
and to be made to the subdivision under leases or agreements in 5554
effect at the time the estimate is made. In the case of an 5555
operation, improvements, or enterprise, system, project, or 5556
category of improvements without at least a six-month history of 5557
receipts, the estimate of receipts by the fiscal officer, other 5558
than those to be derived under leases and agreements then in 5559
effect, shall be confirmed by the taxing authority. 5560

(MM) "Subdivision" means any of the following: 5561

(1) A county, including a county that has adopted a charter 5562
under Article X, Ohio Constitution; 5563

(2) A municipal corporation, including a municipal 5564
corporation that has adopted a charter under Article XVIII, Ohio 5565
Constitution; 5566

(3) A school district; 5567

(4) A regional water and sewer district organized under 5568
Chapter 6119. of the Revised Code; 5569

(5) A joint township hospital district organized under 5570
section 513.07 of the Revised Code; 5571

(6) A joint ambulance district organized under section 505.71 5572
of the Revised Code; 5573

(7) A joint recreation district organized under division (C) 5574
of section 755.14 of the Revised Code; 5575

(8) A detention facility district organized under section 5576
2152.41, a district organized under section 2151.65, or a combined 5577
district organized under sections 2152.41 and 2151.65 of the 5578

Revised Code;	5579
(9) A township police district organized under section 505.48 of the Revised Code;	5580 5581
(10) A township;	5582
(11) A joint fire district organized under section 505.371 of the Revised Code;	5583 5584
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	5585 5586 5587
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	5588 5589
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	5590 5591
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	5592 5593
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	5594 5595
(17) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	5596 5597 5598
(NN) "Taxing authority" means in the case of the following subdivisions:	5599 5600
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	5601 5602 5603 5604 5605 5606
(2) A municipal corporation, the legislative authority;	5607

(3) A school district, the board of education;	5608
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;	5609 5610 5611 5612
(5) A joint township hospital district, the joint township hospital board;	5613 5614
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;	5615 5616 5617 5618 5619
(7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the board of township trustees;	5620 5621 5622
(8) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code, the board of directors of the district;	5623 5624 5625
(9) A subdivision described in division (MM)(17) of this section, the legislative or governing body or official.	5626 5627
(OO) "Tax limitation" means the "ten-mill limitation" as defined in section 5705.02 of the Revised Code without diminution by reason of section 5705.313 of the Revised Code or otherwise, or, in the case of a municipal corporation or county with a different charter limitation on property taxes levied to pay debt charges on unvoted securities, that charter limitation. Those limitations shall be respectively referred to as the "ten-mill limitation" and the "charter tax limitation."	5628 5629 5630 5631 5632 5633 5634 5635
(PP) "Tax valuation" means the aggregate of the valuations of property subject to ad valorem property taxation by the	5636 5637

subdivision on the real property, personal property, and public 5638
utility property tax lists and duplicates most recently certified 5639
for collection, and shall be calculated without deductions of the 5640
valuations of otherwise taxable property exempt in whole or in 5641
part from taxation by reason of exemptions of certain amounts of 5642
taxable value under division (C) of section 5709.01 ~~or, tax~~ 5643
reductions under section 323.152 of the Revised Code, or similar 5644
laws now or in the future in effect. 5645

For purposes of section 133.06 of the Revised Code, "tax 5646
valuation" shall not include the valuation of tangible personal 5647
property used in business, telephone or telegraph property, 5648
interexchange telecommunications company property, or personal 5649
property owned or leased by a railroad company and used in 5650
railroad operations listed under or described in section 5711.22, 5651
division (B) or (F) of section 5727.111, or section 5727.12 of the 5652
Revised Code. 5653

(QQ) "Year" means the calendar year. 5654

(RR) "Administrative agent," "agent," "commercial paper," 5655
"floating rate interest structure," "indexing agent," "interest 5656
rate hedge," "interest rate period," "put arrangement," and 5657
"remarketing agent" have the same meanings as in section 9.98 of 5658
the Revised Code. 5659

(SS) "Sales tax supported" means obligations to the payment 5660
of debt charges on which an additional sales tax or additional 5661
sales taxes have been pledged by the taxing authority of a county 5662
pursuant to section 133.081 of the Revised Code. 5663

Sec. 133.10. (A) In anticipation of the collection of current 5664
property tax revenues in and for any fiscal year, the taxing 5665
authority of any subdivision may issue securities, but the 5666
aggregate principal amount of such securities shall not exceed 5667
one-half of the amount that the budget commission estimates the 5668

subdivision will receive from property taxes in that fiscal year 5669
and prior to the last day of the sixth month following the month 5670
in which the securities are issued, other than taxes to be 5671
received for the payment of debt charges or allocated to debt 5672
charges on securities issued pursuant to division (C) of this 5673
section, and less all advances. When a partial, semiannual, or 5674
final property tax settlement is delayed, securities may also be 5675
issued in anticipation of the receipt of property taxes levied or 5676
collected for debt charges to the extent necessary to meet such 5677
debt charges but not in excess of such estimated receipts, less 5678
all advances. The securities issued pursuant to this division (A) 5679
shall mature not later than the last day of the sixth month 5680
following the month in which the securities are issued and in any 5681
case not later than the last day of the fiscal year in which they 5682
are issued. 5683

(B) In anticipation of the collection of current revenues in 5684
and for any fiscal year from any source or combination of sources, 5685
including distributions of any federal or state moneys, other than 5686
the proceeds of property taxes levied by the subdivision, the 5687
taxing authority of any subdivision may issue securities, but the 5688
aggregate principal amount of such securities shall not exceed 5689
one-half of the amount estimated by the fiscal officer to be 5690
received by the subdivision from such sources during the remainder 5691
of such fiscal year, less advances and prior collections. 5692

(C) In anticipation of the collection of current property tax 5693
revenues in and for any fiscal year, the taxing authority of a 5694
county, municipal corporation, township, or school district may 5695
issue securities, but the aggregate principal amount of those 5696
securities and of any securities issued pursuant to division (A) 5697
of this section outstanding at the time of issuance shall not 5698
exceed one-half of the amount that the budget commission estimates 5699
the subdivision will receive from all property taxes that are to 5700

be distributed to the subdivision from all settlements of taxes 5701
that are to be made in the remainder of that fiscal year, other 5702
than taxes to be received for the payment of debt charges, and 5703
less all advances. 5704

(D) When the tax settlement scheduled under division (B) of 5705
section 321.24 of the Revised Code is delayed pursuant to division 5706
(E) of that section, the taxing authority of a school district may 5707
issue property tax anticipation securities against the taxes to be 5708
included in that settlement, but the aggregate principal amount of 5709
all securities outstanding against those taxes shall not exceed 5710
ninety per cent of the amount estimated to be received from that 5711
settlement by the budget commission, other than taxes to be 5712
received for the payment of debt charges, and less all advances. 5713
The securities issued pursuant to this division (D) shall mature 5714
on or before the next ensuing thirty-first day of August. 5715

(E) This division applies to all securities authorized by 5716
this section. 5717

(1) The amounts from the sources anticipated needed to pay 5718
debt charges and financing costs shall be considered appropriated 5719
for that purpose, and other appropriations from those sources by 5720
the taxing authority shall be limited to the balance available 5721
after deducting the amount to pay those debt charges and financing 5722
costs. The portions of those amounts as received and to be applied 5723
to those debt charges shall be deposited and set aside in an 5724
account for the purpose in the bond retirement fund in the amounts 5725
and at the times required to pay those debt charges as provided 5726
for by the authorizing legislation or otherwise provided by law. 5727

(2) Except as otherwise provided in division (H) of this 5728
section, the securities shall not be issued prior to the first day 5729
and, except as otherwise provided in divisions (A) and (D) of this 5730
section, shall mature not later than the last day of the fiscal 5731
year for which the revenues are anticipated. 5732

(3) The proceeds of the principal amount of the securities 5733
shall be used only for the purposes for which the amounts 5734
anticipated were levied, collected, distributed, and appropriated, 5735
and for financing costs related to those securities. 5736

(4) Property taxes include distributions from the state in 5737
payment of credits against or partial exemptions from, or 5738
reduction of, property taxes. 5739

(5) If for any reason debt charges on securities authorized 5740
by this section are not paid by the subdivision in the fiscal year 5741
when due, the taxing authority of the subdivision shall include in 5742
its next annual appropriation measure an amount sufficient to pay 5743
those debt charges, and the county auditor and county treasurer 5744
shall withhold, in a custodial account, amounts due the 5745
subdivision from the sources anticipated until such amount is 5746
accumulated by those officers and they directly pay or provide, 5747
through the paying agent or otherwise, for the payment of those 5748
debt charges. 5749

(F) The authority to issue securities under divisions (A) and 5750
(B) of this section may be exercised by any board of library 5751
trustees of a public library, or board of park commissioners of a 5752
township, to which the budget commission has allotted a share of 5753
the local ~~government~~ communities fund under section 5747.51 of the 5754
Revised Code or of the ~~library and local government support~~ 5755
libraries fund under section 5707.051 of the Revised Code. 5756

(G) The taxing authority of a school district issuing 5757
securities under division (A), (C), or (D) of this section shall 5758
in the legislation authorizing the securities affirm the levy of, 5759
or covenant to levy, the anticipated property taxes to be 5760
collected in the following year. 5761

(H) The taxing authority of a school district may issue 5762
securities authorized by this section on or after the tenth day 5763

preceding the first day of the fiscal year for which the revenues 5764
are anticipated; provided, that if the taxing authority of a 5765
school district issues securities authorized by this section prior 5766
to the first day of the fiscal year for which the revenues are 5767
anticipated: 5768

(1) None of the proceeds received by the school district from 5769
the sale of the securities shall be considered available for 5770
appropriation prior to the first day of the fiscal year for which 5771
the revenues are anticipated; and 5772

(2) None of the proceeds received by the school district from 5773
the sale of the securities shall be expended prior to the first 5774
day of the fiscal year for which the revenues are anticipated. 5775

Sec. 133.25. (A) After the issuance of general obligation 5776
securities or of securities to which section 133.24 of the Revised 5777
Code applies, the taxing authority of the subdivision shall 5778
include in its annual tax budget, and levy a property tax in a 5779
sufficient amount, with any other moneys available for the 5780
purpose, to pay the debt charges on the securities payable from 5781
property taxes. The necessary property tax rate shall be included 5782
in the fiscal year tax budget that is certified by the subdivision 5783
to the county budget commission, and, if within the ten-mill 5784
limitation, shall be without diminution by reason of section 5785
5705.313 of the Revised Code or any similar provisions. 5786

(B) If the taxing authority determines it to be necessary or 5787
appropriate, and if not prohibited by other law, legislation 5788
relating to Chapter 133. securities may, or that legislation may 5789
provide for proceedings that may, contain or provide for any one 5790
or more or combination of the following: 5791

(1) The pledge to the payment of debt charges of, and related 5792
covenants to levy, charge, collect, deposit, and apply, receipts 5793
of the subdivision lawfully available for the purpose, referred to 5794

in this division (B) as pledged receipts, including, without 5795
limitation, ad valorem property taxes as permitted by law, income 5796
taxes, excises, utility and service revenues, local ~~government~~ 5797
communities fund, school foundation, and moneys described in 5798
Section 5a of Article XII, Ohio Constitution, and any other 5799
receipts from taxes, excises, permits, licenses, fines, or other 5800
sources of revenue of or of revenue distributions to the 5801
subdivision, and covenants for the establishment, investment, 5802
segregation, and maintenance of any funds or reserves in 5803
connection with the securities. No pledge or covenant may be made 5804
that impairs the express contract rights of the holders of 5805
outstanding securities of the subdivision. 5806

(2) Designation of a bank or trust company authorized to 5807
exercise corporate trust powers in this state as a fiscal agent 5808
for the securities, which fiscal agent may be a purchaser of any 5809
securities and fiscal agent for any other securities of the 5810
subdivision, and provision for the periodic deposit of pledged 5811
receipts in one or more separate bank accounts, funds, or other 5812
accounts established with the fiscal agent, including provision 5813
for pledged receipts collected or paid by the state or another 5814
subdivision to be transferred, by the appropriate officer of the 5815
state or other subdivision having charge of the distribution of 5816
the pledged receipts to the subdivision, directly to the fiscal 5817
agent for such deposit, which officers shall transfer such pledged 5818
receipts in accordance with this division and the legislation. The 5819
fiscal agent shall disburse moneys so held in accordance with the 5820
legislation, including the transfer of moneys to paying agents or 5821
to persons providing credit enhancement facilities at the times 5822
and in the amounts required. Until needed for that purpose, and 5823
subject to any limitations in the legislation, the fiscal agent 5824
shall either deposit such moneys on behalf of the subdivision in 5825
an institution that is eligible to become a public depository 5826
pursuant to section 135.03 of the Revised Code or invest the 5827

moneys on behalf of the subdivision in obligations that are under 5828
applicable law lawful for the investment of the particular moneys. 5829
Divisions (D), (E), and (G) of section 135.04 and sections 135.08 5830
and 135.09 of the Revised Code do not apply to any such deposits 5831
or investments. Amounts so held and received by a fiscal agent 5832
shall be accounted for in the appropriate special funds of the 5833
subdivision as if held in the treasury of the subdivision, and the 5834
fiscal agent shall provide such information to the subdivision and 5835
to the auditor of state as is necessary for the purpose. 5836

(3) Covenants of the subdivision and other provisions to 5837
protect and safeguard the security and rights of the holders of 5838
the securities and of the providers of any credit enhancement 5839
facilities and provisions for defeasance, including, without 5840
limiting the generality of the foregoing, such covenants and 5841
provisions as to: 5842

(a) Establishment and maintenance of the funds to be held by 5843
a fiscal agent as provided in this division, the times, amounts, 5844
and levels for deposit to such funds, and the obligations in which 5845
the proceeds of such funds may be invested pending their use, 5846
subject to limitations on investment of public funds otherwise 5847
provided for by law or charter or by the legislation; 5848

(b) The appointment, rights, powers, and duties of the fiscal 5849
agent, and vesting in the fiscal agent all or any of those rights, 5850
powers, and duties in trust; 5851

(c) Compliance with the provisions of this chapter and other 5852
laws applicable to the payment of debt charges on securities of 5853
the subdivision, including Chapter 5705. of the Revised Code; 5854

(d) Conditions that would give rise to an event of default 5855
under the terms of the legislation, and actions and remedies that 5856
any fiscal agent may take or assert on behalf of the holders of 5857
the securities. 5858

(4) As rights and remedies of the holders of securities, in 5859
addition to any other rights and remedies under law, but subject 5860
to the terms of the legislation and of any credit enhancement 5861
facility, provision that if the subdivision defaults in the 5862
payment of debt charges on the securities and such default 5863
continues for a period of thirty days, or if the subdivision fails 5864
or refuses to comply with the requirements of this chapter or the 5865
applicable proceedings, or defaults in any contract made with the 5866
holders of those securities, the holders of not less than 5867
twenty-five per cent in principal amount of the outstanding 5868
securities of that issue may appoint a trustee, who may be the 5869
fiscal agent, to represent those holders for the purposes provided 5870
in this division (B)(4). That trustee may, and upon written 5871
request of the holders of not less than twenty-five per cent in 5872
principal amount of those securities then outstanding shall, in 5873
its own name exercise all or any of the powers of such holders 5874
under division (B)(3) of this section and in addition may: 5875

(a) Bring action for payment of any debt charges then due on 5876
the securities; 5877

(b) By mandamus or other action or proceeding enforce all 5878
rights of the holders of the securities, including any right to 5879
require the subdivision to assess, levy, charge, collect, and 5880
apply pledged receipts adequate to carry out the provisions of the 5881
legislation and any agreement with those holders and to perform 5882
its duties under the legislation and this chapter; 5883

(c) Bring action upon the securities; 5884

(d) By action, require the subdivision to account as if it 5885
were the trustee of an express trust for the holders of the 5886
securities; 5887

(e) By action, enjoin any acts or things that may be unlawful 5888
or in violation of the rights of the holders of those securities; 5889

(f) Except in the case of securities payable from a property tax, declare all securities of the issue due and payable, and if all defaults are subsequently corrected, then, with the consent of the holders of not less than ten per cent in principal amount of those securities then outstanding, rescind and annul that declaration and its consequences.

In addition to the foregoing, the trustee shall have all of the powers necessary or appropriate for the exercise of any functions specifically set forth in this section or the legislation or incident to the general representation of the holders of those securities in the enforcement and protection of their rights.

(5) Contracts or other arrangements for credit enhancement facilities, which may be with a fiscal agent. The costs of or under credit enhancement facilities may be paid from any moneys of the subdivision lawfully available for the purpose. The credit enhancement facility may be for the benefit of holders of the particular securities and of any other securities of the subdivision. Any such benefit conferred with respect to other securities shall not be deemed to restrict, preclude, or otherwise impair any rights that those holders otherwise may assert.

(C) Unless otherwise provided in the proceedings, the holders of not less than ten per cent in principal amount of the particular securities at the time outstanding, whether or not then due and payable or reduced to judgment and either on their own behalf or on behalf of all persons similarly situated, may:

(1) By mandamus, mandatory or other injunction, or any other order, writ, process, or decree, or by any other action or proceeding, enforce all contractual or other rights of such holders, including any right to require the subdivision to assess, levy, charge, collect, and apply the pledged receipts pledged to carry out the provisions of any agreement with such holders and

perform its duties under the legislation and this chapter; 5922

(2) In the case of default in payment of debt charges on 5923
their securities, commence an action upon their securities to 5924
require the subdivision to account as if it were the trustee of an 5925
express trust for those holders or to enjoin any acts or things 5926
that may be unlawful or in violation of the rights of those 5927
holders. 5928

(D) The state pledges to and agrees with the holders of 5929
Chapter 133. securities that the state will not, by enacting any 5930
law or adopting any rule, repeal, revoke, repudiate, limit, alter, 5931
stay, suspend, or otherwise reduce, rescind, or impair the power 5932
or duty of a subdivision to exercise, perform, carry out, and 5933
fulfill its responsibilities or covenants under this chapter or 5934
legislation or agreements as to its Chapter 133. securities, 5935
including a credit enhancement facility, passed or entered into 5936
pursuant to this chapter, or repeal, revoke, repudiate, limit, 5937
alter, stay, suspend, or otherwise reduce, rescind, or impair the 5938
rights and remedies of any such holders fully to enforce such 5939
responsibilities, covenants, and agreements or to enforce the 5940
pledge and agreement of the state contained in this division, or 5941
otherwise exercise any sovereign power materially impairing or 5942
materially inconsistent with the provisions of such legislation, 5943
covenants, and agreements. The general assembly determines and 5944
declares that the provisions of this chapter and the powers and 5945
duties of subdivisions authorized and imposed under this chapter 5946
are proper, reasonable, and appropriate means by which the state 5947
can and should exercise and has exercised its duties and powers 5948
under the Ohio Constitution, and that those provisions are 5949
necessary and in the public interest and a proper means to better 5950
provide for the security for, and market reception for the 5951
purchase of, those securities. This pledge and agreement shall be 5952
of no force and effect as to securities that are not outstanding. 5953

This pledge and agreement by the state may be temporarily 5954
suspended upon the declaration of martial law in the subdivision 5955
in the event of circumstances deriving directly out of a natural 5956
disaster, such as an earthquake or major conflagration or flood 5957
but not a snowstorm or civil disturbance, or out of military 5958
invasions or civil insurrections, but not strikes or crises 5959
created by financial or economic events. Payment for securities by 5960
the original and subsequent holders shall be deemed conclusive 5961
evidence of valuable consideration received by the state and 5962
subdivision for this pledge and agreement, and any action by the 5963
state contrary to or inconsistent with this division is void as 5964
applied to those securities. The state hereby grants any such 5965
benefited holder the right to sue the state and enforce this 5966
pledge and agreement, and waives all rights of defense based on 5967
sovereign immunity or sovereign power in such an action or suit, 5968
it being expressly determined and declared that the continued 5969
integrity of the contract of any such holder is essential to the 5970
continued right of the subdivision to issue and pay debt charges 5971
on securities as a subdivision of the state. Nothing in this 5972
division requires the state to continue any particular level of 5973
appropriations of moneys, or precludes the state from authorizing 5974
the subdivision to exercise, or the subdivision from exercising, 5975
subject to approval of the tax commissioner, any power provided by 5976
law to seek application of laws then in effect under the 5977
bankruptcy provisions of the United States Constitution but in any 5978
case providing for debt charges as provided in section 133.36 of 5979
the Revised Code, or to preclude the state from further exercise 5980
of any of its powers and responsibilities under the Ohio 5981
Constitution. 5982

(E) Moneys and investments held by the subdivision or a 5983
paying agent or a fiscal agent, and all receipts of the 5984
subdivision, needed and allocated to payment of debt charges or 5985
payments by the subdivision under credit enhancement facilities, 5986

are property of the subdivision devoted to essential governmental 5987
purposes and accordingly shall not be applied to any purpose other 5988
than as provided in this chapter and in the legislation, and shall 5989
not be subject to any order, judgment, lien, execution, 5990
attachment, setoff, or counterclaim by any creditor or judgment 5991
creditor, as a result of a tort judgment or otherwise, of the 5992
subdivision other than the holders of the securities or the 5993
provider of the credit enhancement facility who are entitled 5994
thereto pursuant to this chapter and the legislation. 5995

Sec. 135.35. (A) The investing authority shall deposit or 5996
invest any part or all of the county's inactive moneys and shall 5997
invest all of the money in the county ~~library and local government~~ 5998
~~support~~ libraries fund when required by section 135.352 of the 5999
Revised Code. The following classifications of securities and 6000
obligations are eligible for such deposit or investment: 6001

(1) United States treasury bills, notes, bonds, or any other 6002
obligation or security issued by the United States treasury, any 6003
other obligation guaranteed as to principal or interest by the 6004
United States, or any book entry, zero-coupon United States 6005
treasury security that is a direct obligation of the United 6006
States. 6007

Nothing in the classification of eligible securities and 6008
obligations set forth in divisions (A)(2) to (11) of this section 6009
shall be construed to authorize any investment in stripped 6010
principal or interest obligations of such eligible securities and 6011
obligations. 6012

(2) Bonds, notes, debentures, or any other obligations or 6013
securities issued by any federal government agency or 6014
instrumentality, including but not limited to, the federal 6015
national mortgage association, federal home loan bank, federal 6016
farm credit bank, federal home loan mortgage corporation, 6017

government national mortgage association, and student loan 6018
marketing association. All federal agency securities shall be 6019
direct issuances of federal government agencies or 6020
instrumentalities. 6021

(3) Time certificates of deposit or savings or deposit 6022
accounts, including, but not limited to, passbook accounts, in any 6023
eligible institution mentioned in section 135.32 of the Revised 6024
Code; 6025

(4) Bonds and other obligations of this state or the 6026
political subdivisions of this state, provided that such political 6027
subdivisions are located wholly or partly within the same county 6028
as the investing authority; 6029

(5) No-load money market mutual funds consisting exclusively 6030
of obligations described in division (A)(1) or (2) of this section 6031
and repurchase agreements secured by such obligations, provided 6032
that investments in securities described in this division are made 6033
only through eligible institutions mentioned in section 135.32 of 6034
the Revised Code; 6035

(6) The Ohio subdivision's fund as provided in section 135.45 6036
of the Revised Code; 6037

(7) Securities lending agreements with any eligible 6038
institution mentioned in section 135.32 of the Revised Code that 6039
is a member of the federal reserve system or federal home loan 6040
bank or with any recognized United States government securities 6041
dealer meeting the description in division (J)(1) of this section, 6042
under the terms of which agreements the investing authority lends 6043
securities and the eligible institution or dealer agrees to 6044
simultaneously exchange similar securities or cash, equal value 6045
for equal value. 6046

Securities and cash received as collateral for a securities 6047
lending agreement are not inactive moneys of the county or moneys 6048

of a county ~~library and local government support libraries~~ fund. 6049
The investment of cash collateral received pursuant to a 6050
securities lending agreement may be invested only in instruments 6051
specified by the investing authority in the written investment 6052
policy described in division (K) of this section. 6053

(8) Up to twenty-five per cent of the county's total average 6054
portfolio in either of the following investments: 6055

(a) Commercial paper notes issued by an entity that is 6056
defined in division (D) of section 1705.01 of the Revised Code and 6057
that has assets exceeding five hundred million dollars, to which 6058
notes all of the following apply: 6059

(i) The notes are rated at the time of purchase in the 6060
highest classification established by at least two nationally 6061
recognized standard rating services. 6062

(ii) The aggregate value of the notes does not exceed ten per 6063
cent of the aggregate value of the outstanding commercial paper of 6064
the issuing corporation. 6065

(iii) The notes mature not later than two hundred seventy 6066
days after purchase. 6067

(b) Bankers acceptances of banks that are insured by the 6068
federal deposit insurance corporation and to which both of the 6069
following apply: 6070

(i) The obligations are eligible for purchase by the federal 6071
reserve system. 6072

(ii) The obligations mature not later than one hundred eighty 6073
days after purchase. 6074

No investment shall be made pursuant to division (A)(8) of 6075
this section unless the investing authority has completed 6076
additional training for making the investments authorized by 6077
division (A)(8) of this section. The type and amount of additional 6078

training shall be approved by the auditor of state and may be 6079
conducted by or provided under the supervision of the auditor of 6080
state. 6081

(9) Up to fifteen per cent of the county's total average 6082
portfolio in notes issued by corporations that are incorporated 6083
under the laws of the United States and that are operating within 6084
the United States, or by depository institutions that are doing 6085
business under authority granted by the United States or any state 6086
and that are operating within the United States, provided both of 6087
the following apply: 6088

(a) The notes are rated in the second highest or higher 6089
category by at least two nationally recognized standard rating 6090
services at the time of purchase. 6091

(b) The notes mature not later than two years after purchase. 6092

(10) No-load money market mutual funds rated in the highest 6093
category at the time of purchase by at least one nationally 6094
recognized standard rating service and consisting exclusively of 6095
obligations described in division (A)(1), (2), or (6) of section 6096
135.143 of the Revised Code; 6097

(11) Debt interests rated at the time of purchase in the 6098
three highest categories by two nationally recognized standard 6099
rating services and issued by foreign nations diplomatically 6100
recognized by the United States government. All interest and 6101
principal shall be denominated and payable in United States funds. 6102
The investments made under division (A)(11) of this section shall 6103
not exceed in the aggregate one per cent of a county's total 6104
average portfolio. 6105

The investing authority shall invest under division (A)(11) 6106
of this section in a debt interest issued by a foreign nation only 6107
if the debt interest is backed by the full faith and credit of 6108
that foreign nation, there is no prior history of default, and the 6109

debt interest matures not later than five years after purchase. 6110
For purposes of division (A)(11) of this section, a debt interest 6111
is rated in the three highest categories by two nationally 6112
recognized standard rating services if either the debt interest 6113
itself or the issuer of the debt interest is rated, or is 6114
implicitly rated, at the time of purchase in the three highest 6115
categories by two nationally recognized standard rating services. 6116

(B) Nothing in the classifications of eligible obligations 6117
and securities set forth in divisions (A)(1) to (11) of this 6118
section shall be construed to authorize investment in a 6119
derivative, and no investing authority shall invest any county 6120
inactive moneys or any moneys in a county ~~library and~~ local 6121
~~government support~~ libraries fund in a derivative. For purposes of 6122
this division, "derivative" means a financial instrument or 6123
contract or obligation whose value or return is based upon or 6124
linked to another asset or index, or both, separate from the 6125
financial instrument, contract, or obligation itself. Any 6126
security, obligation, trust account, or other instrument that is 6127
created from an issue of the United States treasury or is created 6128
from an obligation of a federal agency or instrumentality or is 6129
created from both is considered a derivative instrument. An 6130
eligible investment described in this section with a variable 6131
interest rate payment, based upon a single interest payment or 6132
single index comprised of other eligible investments provided for 6133
in division (A)(1) or (2) of this section, is not a derivative, 6134
provided that such variable rate investment has a maximum maturity 6135
of two years. A treasury inflation-protected security shall not be 6136
considered a derivative, provided the security matures not later 6137
than five years after purchase. 6138

(C) Except as provided in division (D) of this section, any 6139
investment made pursuant to this section must mature within five 6140
years from the date of settlement, unless the investment is 6141

matched to a specific obligation or debt of the county or to a 6142
specific obligation or debt of a political subdivision of this 6143
state located wholly or partly within the county, and the 6144
investment is specifically approved by the investment advisory 6145
committee. 6146

(D) The investing authority may also enter into a written 6147
repurchase agreement with any eligible institution mentioned in 6148
section 135.32 of the Revised Code or any eligible securities 6149
dealer pursuant to division (J) of this section, under the terms 6150
of which agreement the investing authority purchases and the 6151
eligible institution or dealer agrees unconditionally to 6152
repurchase any of the securities listed in divisions (B)(1) to 6153
(5), except letters of credit described in division (B)(2), of 6154
section 135.18 of the Revised Code. The market value of securities 6155
subject to an overnight written repurchase agreement must exceed 6156
the principal value of the overnight written repurchase agreement 6157
by at least two per cent. A written repurchase agreement must 6158
exceed the principal value of the overnight written repurchase 6159
agreement, by at least two per cent. A written repurchase 6160
agreement shall not exceed thirty days, and the market value of 6161
securities subject to a written repurchase agreement must exceed 6162
the principal value of the written repurchase agreement by at 6163
least two per cent and be marked to market daily. All securities 6164
purchased pursuant to this division shall be delivered into the 6165
custody of the investing authority or the qualified custodian of 6166
the investing authority or an agent designated by the investing 6167
authority. A written repurchase agreement with an eligible 6168
securities dealer shall be transacted on a delivery versus payment 6169
basis. The agreement shall contain the requirement that for each 6170
transaction pursuant to the agreement the participating 6171
institution shall provide all of the following information: 6172

(1) The par value of the securities; 6173

(2) The type, rate, and maturity date of the securities; 6174

(3) A numerical identifier generally accepted in the 6175
securities industry that designates the securities. 6176

No investing authority shall enter into a written repurchase 6177
agreement under the terms of which the investing authority agrees 6178
to sell securities owned by the county to a purchaser and agrees 6179
with that purchaser to unconditionally repurchase those 6180
securities. 6181

(E) No investing authority shall make an investment under 6182
this section, unless the investing authority, at the time of 6183
making the investment, reasonably expects that the investment can 6184
be held until its maturity. The investing authority's written 6185
investment policy shall specify the conditions under which an 6186
investment may be redeemed or sold prior to maturity. 6187

(F) No investing authority shall pay a county's inactive 6188
moneys or moneys of a county ~~library and local government support~~ 6189
libraries fund into a fund established by another subdivision, 6190
treasurer, governing board, or investing authority, if that fund 6191
was established by the subdivision, treasurer, governing board, or 6192
investing authority for the purpose of investing or depositing the 6193
public moneys of other subdivisions. This division does not apply 6194
to the payment of public moneys into either of the following: 6195

(1) The Ohio subdivision's fund pursuant to division (A)(6) 6196
of this section; 6197

(2) A fund created solely for the purpose of acquiring, 6198
constructing, owning, leasing, or operating municipal utilities 6199
pursuant to the authority provided under section 715.02 of the 6200
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 6201

For purposes of division (F) of this section, "subdivision" 6202
includes a county. 6203

(G) The use of leverage, in which the county uses its current investment assets as collateral for the purpose of purchasing other assets, is prohibited. The issuance of taxable notes for the purpose of arbitrage is prohibited. Contracting to sell securities not owned by the county, for the purpose of purchasing such securities on the speculation that bond prices will decline, is prohibited.

(H) Any securities, certificates of deposit, deposit accounts, or any other documents evidencing deposits or investments made under authority of this section shall be issued in the name of the county with the county treasurer or investing authority as the designated payee. If any such deposits or investments are registrable either as to principal or interest, or both, they shall be registered in the name of the treasurer.

(I) The investing authority shall be responsible for the safekeeping of all documents evidencing a deposit or investment acquired under this section, including, but not limited to, safekeeping receipts evidencing securities deposited with a qualified trustee, as provided in section 135.37 of the Revised Code, and documents confirming the purchase of securities under any repurchase agreement under this section shall be deposited with a qualified trustee, provided, however, that the qualified trustee shall be required to report to the investing authority, auditor of state, or an authorized outside auditor at any time upon request as to the identity, market value, and location of the document evidencing each security, and that if the participating institution is a designated depository of the county for the current period of designation, the securities that are the subject of the repurchase agreement may be delivered to the treasurer or held in trust by the participating institution on behalf of the investing authority.

Upon the expiration of the term of office of an investing

authority or in the event of a vacancy in the office for any 6236
reason, the officer or the officer's legal representative shall 6237
transfer and deliver to the officer's successor all documents 6238
mentioned in this division for which the officer has been 6239
responsible for safekeeping. For all such documents transferred 6240
and delivered, the officer shall be credited with, and the 6241
officer's successor shall be charged with, the amount of moneys 6242
evidenced by such documents. 6243

(J)(1) All investments, except for investments in securities 6244
described in divisions (A)(5) and (6) of this section, shall be 6245
made only through a member of the national association of 6246
securities dealers, through a bank, savings bank, or savings and 6247
loan association regulated by the superintendent of financial 6248
institutions, or through an institution regulated by the 6249
comptroller of the currency, federal deposit insurance 6250
corporation, or board of governors of the federal reserve system. 6251

(2) Payment for investments shall be made only upon the 6252
delivery of securities representing such investments to the 6253
treasurer, investing authority, or qualified trustee. If the 6254
securities transferred are not represented by a certificate, 6255
payment shall be made only upon receipt of confirmation of 6256
transfer from the custodian by the treasurer, governing board, or 6257
qualified trustee. 6258

(K)(1) Except as otherwise provided in division (K)(2) of 6259
this section, no investing authority shall make an investment or 6260
deposit under this section, unless there is on file with the 6261
auditor of state a written investment policy approved by the 6262
investing authority. The policy shall require that all entities 6263
conducting investment business with the investing authority shall 6264
sign the investment policy of that investing authority. All 6265
brokers, dealers, and financial institutions, described in 6266
division (J)(1) of this section, initiating transactions with the 6267

investing authority by giving advice or making investment 6268
recommendations shall sign the investing authority's investment 6269
policy thereby acknowledging their agreement to abide by the 6270
policy's contents. All brokers, dealers, and financial 6271
institutions, described in division (J)(1) of this section, 6272
executing transactions initiated by the investing authority, 6273
having read the policy's contents, shall sign the investment 6274
policy thereby acknowledging their comprehension and receipt. 6275

(2) If a written investment policy described in division 6276
(K)(1) of this section is not filed on behalf of the county with 6277
the auditor of state, the investing authority of that county shall 6278
invest the county's inactive moneys and moneys of the county 6279
~~library and local government support libraries~~ libraries fund only in time 6280
certificates of deposits or savings or deposit accounts pursuant 6281
to division (A)(3) of this section, no-load money market mutual 6282
funds pursuant to division (A)(5) of this section, or the Ohio 6283
subdivision's fund pursuant to division (A)(6) of this section. 6284

(L)(1) The investing authority shall establish and maintain 6285
an inventory of all obligations and securities acquired by the 6286
investing authority pursuant to this section. The inventory shall 6287
include a description of each obligation or security, including 6288
type, cost, par value, maturity date, settlement date, and any 6289
coupon rate. 6290

(2) The investing authority shall also keep a complete record 6291
of all purchases and sales of the obligations and securities made 6292
pursuant to this section. 6293

(3) The investing authority shall maintain a monthly 6294
portfolio report and issue a copy of the monthly portfolio report 6295
describing such investments to the county investment advisory 6296
committee, detailing the current inventory of all obligations and 6297
securities, all transactions during the month that affected the 6298
inventory, any income received from the obligations and 6299

securities, and any investment expenses paid, and stating the 6300
names of any persons effecting transactions on behalf of the 6301
investing authority. 6302

(4) The monthly portfolio report shall be a public record and 6303
available for inspection under section 149.43 of the Revised Code. 6304

(5) The inventory and the monthly portfolio report shall be 6305
filed with the board of county commissioners. 6306

(M) An investing authority may enter into a written 6307
investment or deposit agreement that includes a provision under 6308
which the parties agree to submit to nonbinding arbitration to 6309
settle any controversy that may arise out of the agreement, 6310
including any controversy pertaining to losses of public moneys 6311
resulting from investment or deposit. The arbitration provision 6312
shall be set forth entirely in the agreement, and the agreement 6313
shall include a conspicuous notice to the parties that any party 6314
to the arbitration may apply to the court of common pleas of the 6315
county in which the arbitration was held for an order to vacate, 6316
modify, or correct the award. Any such party may also apply to the 6317
court for an order to change venue to a court of common pleas 6318
located more than one hundred miles from the county in which the 6319
investing authority is located. 6320

For purposes of this division, "investment or deposit 6321
agreement" means any agreement between an investing authority and 6322
a person, under which agreement the person agrees to invest, 6323
deposit, or otherwise manage, on behalf of the investing 6324
authority, a county's inactive moneys or moneys in a county 6325
~~library and local government support libraries~~ fund, or agrees to 6326
provide investment advice to the investing authority. 6327

(N) An investment held in the county portfolio on September 6328
27, 1996, that was a legal investment under the law as it existed 6329
before September 27, 1996, may be held until maturity, or if the 6330

investment does not have a maturity date the investment may be 6331
held until five years from September 27, 1996, regardless of 6332
whether the investment would qualify as a legal investment under 6333
the terms of this section as amended. 6334

Sec. 135.352. The investment authority shall invest all 6335
moneys in the county ~~library and local government support~~ 6336
libraries fund that are not distributed due to an appeal of the 6337
budget commission's allocation of such fund. Interest earned on 6338
such investments shall be credited to the fund and distributed in 6339
accordance with section 5747.48 of the Revised Code. 6340

Sec. 151.08. This section applies to obligations as defined 6341
in this section. 6342

(A) As used in this section: 6343

(1) "Capital facilities" or "capital improvement projects" 6344
means the acquisition, construction, reconstruction, improvement, 6345
planning, and equipping of roads and bridges, waste water 6346
treatment systems, water supply systems, solid waste disposal 6347
facilities, flood control systems, and storm water and sanitary 6348
collection, storage, and treatment facilities, including real 6349
property, interests in real property, facilities, and equipment 6350
related or incidental to those facilities. 6351

(2) "Costs of capital facilities" include related direct 6352
administrative expenses and allocable portions of direct costs of 6353
the Ohio public works commission and the local subdivision. 6354

(3) "Local subdivision" means any county, municipal 6355
corporation, township, sanitary district, or regional water and 6356
sewer district. 6357

(4) "Obligations" means obligations as defined in section 6358
151.01 of the Revised Code issued to pay costs of capital 6359
facilities. 6360

(B)(1) The issuing authority shall issue obligations to pay 6361
costs of financing or assisting in the financing of the capital 6362
improvement projects of local subdivisions pursuant to Section 2m 6363
of Article VIII, Ohio Constitution, section 151.01 of the Revised 6364
Code, and this section. Not more than one hundred twenty million 6365
dollars principal amount of obligations, plus the principal amount 6366
of obligations that in any prior fiscal years could have been, but 6367
were not, issued within that one-hundred-twenty-million dollar 6368
fiscal year limit, may be issued in any fiscal year. Not more than 6369
one billion two hundred million dollars principal amount of 6370
obligations pursuant to Section 2m of Article VIII, Ohio 6371
Constitution may be issued for the purposes of this section and 6372
division (B)(2) of section 164.09 of the Revised Code. 6373

(2) The issuing authority shall issue obligations to pay 6374
costs of financing or assisting in the financing of the capital 6375
improvement projects of local subdivisions pursuant to Section 2p 6376
of Article VIII, Ohio Constitution, section 151.01 of the Revised 6377
Code, and this section. Not more than one hundred twenty million 6378
dollars in principal amount of such obligations may be issued in 6379
any of the first five fiscal years of issuance and not more than 6380
one hundred fifty million dollars in principal amount of such 6381
obligations may be issued in any of the next five fiscal years, 6382
plus in each case the principal amount of such obligations that in 6383
any prior fiscal year could have been but were not issued within 6384
those fiscal year limits. No obligations shall be issued for the 6385
purposes of this section pursuant to Section 2p of Article VIII, 6386
Ohio Constitution, until at least one billion one hundred 6387
ninety-nine million five hundred thousand dollars aggregate 6388
principal amount of obligations have been issued pursuant to 6389
Section 2m of Article VIII, Ohio Constitution. Not more than one 6390
billion three hundred fifty million dollars principal amount of 6391
obligations may be issued pursuant to Section 2p of Article VIII, 6392
Ohio Constitution for the purposes of this section. 6393

(C) Net proceeds of obligations shall be deposited into the 6394
state capital improvements fund created by section 164.08 of the 6395
Revised Code. 6396

(D) There is hereby created in the state treasury the "state 6397
capital improvements bond service fund." All moneys received by 6398
the state and required by the bond proceedings, consistent with 6399
this section and section 151.01 of the Revised Code, to be 6400
deposited, transferred, or credited to the bond service fund, and 6401
all other moneys transferred or allocated to or received for the 6402
purposes of that fund, shall be deposited and credited to the bond 6403
service fund, subject to any applicable provisions of the bond 6404
proceedings but without necessity for any act of appropriation. 6405
During the period beginning with the date of the first issuance of 6406
obligations and continuing during the time that any obligations 6407
are outstanding in accordance with their terms, so long as moneys 6408
in the bond service fund are insufficient to pay debt service when 6409
due on those obligations payable from that fund (except the 6410
principal amounts of bond anticipation notes payable from the 6411
proceeds of renewal notes or bonds anticipated) and due in the 6412
particular fiscal year, a sufficient amount of revenues of the 6413
state is committed and, without necessity for further act of 6414
appropriation, shall be paid to the bond service fund for the 6415
purpose of paying that debt service when due. 6416

Sec. 151.40. (A) As used in this section: 6417

(1) "Bond proceedings" includes any trust agreements, and any 6418
amendments or supplements to them, as authorized by this section. 6419

(2) "Costs of revitalization projects" includes related 6420
direct administrative expenses and allocable portions of the 6421
direct costs of those projects of the department of development or 6422
the environmental protection agency. 6423

(3) "Issuing authority" means the treasurer of state. 6424

(4) "Obligations" means obligations as defined in section 6425
151.01 of the Revised Code issued to pay the costs of projects for 6426
revitalization purposes as referred to in division (A)(2) of 6427
Section 2o of Article VIII, Ohio Constitution. 6428

(5) "Pledged liquor profits" means all receipts of the state 6429
representing the gross profit on the sale of spirituous liquor, as 6430
referred to in division (B)(4) of section 4301.10 of the Revised 6431
Code, after paying all costs and expenses of the division of 6432
liquor control and providing an adequate working capital reserve 6433
for the division of liquor control as provided in that division, 6434
but excluding the sum required by the second paragraph of section 6435
4301.12 of the Revised Code, as it was in effect on May 2, 1980, 6436
to be paid into the state treasury. 6437

(6) "Pledged receipts" means, as and to the extent provided 6438
in bond proceedings: 6439

(a) Pledged liquor profits. The pledge of pledged liquor 6440
profits to obligations is subject to the priority of the pledge of 6441
those profits to obligations issued and to be issued pursuant to 6442
Chapter 166. of the Revised Code. 6443

(b) Moneys accruing to the state from the lease, sale, or 6444
other disposition or use of revitalization projects or from the 6445
repayment, including any interest, of loans or advances made from 6446
net proceeds; 6447

(c) Accrued interest received from the sale of obligations; 6448

(d) Income from the investment of the special funds; 6449

(e) Any gifts, grants, donations, or pledges, and receipts 6450
therefrom, available for the payment of debt service; 6451

(f) Additional or any other specific revenues or receipts 6452
lawfully available to be pledged, and pledged, pursuant to further 6453
authorization by the general assembly, to the payment of debt 6454

service. 6455

(B)(1) The issuing authority shall issue obligations of the 6456
state to pay costs of revitalization projects pursuant to division 6457
(B)(2) of Section 20 of Article VIII, Ohio Constitution, section 6458
151.01 of the Revised Code as applicable to this section, and this 6459
section. The issuing authority, upon the certification to it by 6460
the clean Ohio council of the amount of moneys needed in and for 6461
the purposes of the clean Ohio revitalization fund created by 6462
section 122.658 of the Revised Code, shall issue obligations in 6463
the amount determined by the issuing authority to be required for 6464
those purposes. Not more than two hundred million dollars 6465
principal amount of obligations issued under this section for 6466
revitalization purposes may be outstanding at any one time. Not 6467
more than fifty million dollars principal amount of obligations, 6468
plus the principal amount of obligations that in any prior fiscal 6469
year could have been, but were not issued within the 6470
fifty-million-dollar fiscal year limit, may be issued in any 6471
fiscal year. 6472

(2) The provisions and authorizations in section 151.01 of 6473
the Revised Code apply to the obligations and the bond proceedings 6474
except as otherwise provided or provided for in those obligations 6475
and bond proceedings. 6476

(C) Net proceeds of obligations shall be deposited in the 6477
clean Ohio revitalization fund created in section 122.658 of the 6478
Revised Code. 6479

(D) There is hereby created the revitalization projects bond 6480
service fund, which shall be in the custody of the treasurer of 6481
state, but shall be separate and apart from and not a part of the 6482
state treasury. All money received by the state and required by 6483
the bond proceedings, consistent with section 151.01 of the 6484
Revised Code and this section, to be deposited, transferred, or 6485
credited to the bond service fund, and all other money transferred 6486

or allocated to or received for the purposes of that fund, shall 6487
be deposited and credited to the bond service fund, subject to any 6488
applicable provisions of the bond proceedings, but without 6489
necessity for any act of appropriation. During the period 6490
beginning with the date of the first issuance of obligations and 6491
continuing during the time that any obligations are outstanding in 6492
accordance with their terms, so long as moneys in the bond service 6493
fund are insufficient to pay debt service when due on those 6494
obligations payable from that fund, except the principal amounts 6495
of bond anticipation notes payable from the proceeds of renewal 6496
notes or bonds anticipated, and due in the particular fiscal year, 6497
a sufficient amount of pledged receipts is committed and, without 6498
necessity for further act of appropriation, shall be paid to the 6499
bond service fund for the purpose of paying that debt service when 6500
due. 6501

(E) The issuing authority may pledge all, or such portion as 6502
the issuing authority determines, of the pledged receipts to the 6503
payment of the debt service charges on obligations issued under 6504
this section, and for the establishment and maintenance of any 6505
reserves, as provided in the bond proceedings, and make other 6506
provisions in the bond proceedings with respect to pledged 6507
receipts as authorized by this section, which provisions are 6508
controlling notwithstanding any other provisions of law pertaining 6509
to them. 6510

(F) The issuing authority may covenant in the bond 6511
proceedings, and such covenants shall be controlling 6512
notwithstanding any other provision of law, that the state and 6513
applicable officers and state agencies, including the general 6514
assembly, so long as any obligations issued under this section are 6515
outstanding, shall maintain statutory authority for and cause to 6516
be charged and collected wholesale or retail prices for spirituous 6517
liquor sold by the state or its agents so that the available 6518

pledged receipts are sufficient in time and amount to meet debt 6519
service payable from pledged liquor profits and for the 6520
establishment and maintenance of any reserves and other 6521
requirements provided for in the bond proceedings. 6522

(G) Obligations may be further secured, as determined by the 6523
issuing authority, by a trust agreement between the state and a 6524
corporate trustee, which may be any trust company or bank having 6525
~~its principal~~ a place of business within the state. Any trust 6526
agreement may contain the resolution or order authorizing the 6527
issuance of the obligations, any provisions that may be contained 6528
in any bond proceedings, and other provisions that are customary 6529
or appropriate in an agreement of that type, including, but not 6530
limited to: 6531

(1) Maintenance of each pledge, trust agreement, or other 6532
instrument comprising part of the bond proceedings until the state 6533
has fully paid or provided for the payment of debt service on the 6534
obligations secured by it; 6535

(2) In the event of default in any payments required to be 6536
made by the bond proceedings, enforcement of those payments or 6537
agreements by mandamus, the appointment of a receiver, suit in 6538
equity, action at law, or any combination of them; 6539

(3) The rights and remedies of the holders or owners of 6540
obligations and of the trustee and provisions for protecting and 6541
enforcing them, including limitations on rights of individual 6542
holders and owners. 6543

(H) The obligations shall not be general obligations of the 6544
state and the full faith and credit, revenue, and taxing power of 6545
the state shall not be pledged to the payment of debt service on 6546
them. The holders or owners of the obligations shall have no right 6547
to have any moneys obligated or pledged for the payment of debt 6548
service except as provided in this section and in the applicable 6549

bond proceedings. The rights of the holders and owners to payment 6550
of debt service are limited to all or that portion of the pledged 6551
receipts, and those special funds, pledged to the payment of debt 6552
service pursuant to the bond proceedings in accordance with this 6553
section, and each obligation shall bear on its face a statement to 6554
that effect. 6555

Sec. 152.31. The Ohio building authority may construct and 6556
operate capital facilities for the housing of branches and 6557
agencies of state government, municipal corporations, counties, or 6558
other governmental entities, in any municipal corporation when the 6559
municipal corporation and the authority agree on a location and 6560
all of the following occur: 6561

(A) Two or more of such agencies or governmental entities 6562
submit to the authority an application requesting the authority to 6563
construct and operate capital facilities and expressing their 6564
intent to become the initial tenants of the capital facilities and 6565
to thereby occupy all of its available office space; 6566

(B) Any municipal corporation, county, township, or other 6567
governmental entities joining in the submission of an application 6568
pursuant to division (A) of this section further submits a lease 6569
committing it to occupy, for a period equal to the greater of 6570
twenty consecutive years from the date of initial occupancy or the 6571
term of any bonds issued by the authority for the capital 6572
facilities, the capital facilities that, through the application, 6573
it expressed its intent to initially occupy, and obligating it to 6574
pay such rent as the authority determines to be appropriate. 6575
Notwithstanding any other section of the Revised Code, any 6576
governmental entity may enter into such a lease and any such lease 6577
is legally sufficient to obligate the governmental entity for the 6578
term stated therein. Any such lease shall constitute an agreement 6579
described in division (E) of section 152.24 of the Revised Code. 6580

If rental payments required by a lease established pursuant 6581
to this division are not paid in accordance with the provision of 6582
such a lease, the funds which would otherwise be apportioned to 6583
the lessees from the county undivided local ~~government~~ communities 6584
fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, 6585
shall be reduced by the amount of rent payable to the authority. 6586
The county treasurer shall immediately pay the amount of such 6587
reductions to the authority. 6588

All rents charged by the authority for occupancy of such a 6589
capital facility shall be fixed and expended pursuant to section 6590
152.16 of the Revised Code. Any lease with the department of 6591
administrative services with respect to such a capital facility 6592
may provide for rental payments that satisfy the requirements of 6593
section 152.16 of the Revised Code, but the amount of any rentals 6594
paid by other tenants in the capital facility pursuant to leases 6595
with the authority shall be credited against such rental payments 6596
of the department of administrative services. Any lease with the 6597
department of administrative services or a using state agency may 6598
provide for the payment of rental payments that satisfy the 6599
requirements of section 152.16 of the Revised Code prior to 6600
initial occupancy of such capital facility. In the process of 6601
inviting bids and awarding contracts, the authority shall be 6602
guided by the procedures set forth in sections 153.01 to 153.20 of 6603
the Revised Code. Any provision of sections 152.21, 152.22, and 6604
152.26 of the Revised Code that applies to capital facilities 6605
described in section 152.19 of the Revised Code also applies to 6606
the capital facilities described in this section unless it is 6607
inconsistent with this section. 6608

Sec. 156.02. The director of administrative services may 6609
contract with an energy services company, contractor, architect, 6610
professional engineer, or other person experienced in the design 6611
and implementation of energy conservation measures for a report 6612

containing an analysis and recommendations pertaining to the 6613
implementation of energy conservation measures that would 6614
significantly reduce energy consumption and operating costs in any 6615
buildings owned by the state and, upon request of its board of 6616
trustees or managing authority, any building owned by an 6617
institution of higher education as defined in section 3345.12 of 6618
the Revised Code. The report shall include estimates of all costs 6619
of such measures, including the costs of design, engineering, 6620
installation, maintenance, repairs, and debt service, and 6621
estimates of the amounts by which energy consumption and operating 6622
costs would be reduced. 6623

Sec. 164.03. For the purpose of allocating the funds made 6624
available to finance public infrastructure capital improvement 6625
projects of local subdivisions through the issuance of general 6626
obligations of the state of Ohio pursuant to Section 2k ~~or~~, 2m, or 6627
2p of Article VIII, Ohio Constitution, the state is divided into 6628
the following districts: 6629

District one. Cuyahoga county shall constitute district one. 6630

District two. Hamilton county shall constitute district two. 6631

District three. Franklin county shall constitute district 6632
three. 6633

District four. Montgomery county shall constitute district 6634
four. 6635

District five. Defiance, Erie, Fulton, Henry, Ottawa, 6636
Paulding, Sandusky, Williams, and Wood counties shall constitute 6637
district five. 6638

District six. Mahoning and Trumbull counties shall constitute 6639
district six. 6640

District seven. Ashtabula, Geauga, Lake, and Portage counties 6641
shall constitute district seven. 6642

District eight. Summit county shall constitute district
eight. 6643
6644

District nine. Lorain, Huron, and Medina counties shall
constitute district nine. 6645
6646

District ten. Butler, Clermont, Clinton, and Warren counties
shall constitute district ten. 6647
6648

District eleven. Champaign, Clark, Darke, Greene, Madison,
Miami, Preble, and Union counties shall constitute district
eleven. 6649
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6651

District twelve. Lucas county shall constitute district
twelve. 6652
6653

District thirteen. Allen, Auglaize, Hancock, Logan, Mercer,
Putnam, Shelby, and Van Wert counties shall constitute district
thirteen. 6654
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District fourteen. Carroll, Columbiana, Coshocton, Guernsey,
Harrison, Holmes, Jefferson, and Tuscarawas counties shall
constitute district fourteen. 6657
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6659

District fifteen. Adams, Brown, Fayette, Gallia, Highland,
Jackson, Lawrence, Pike, Ross, Scioto, and Vinton counties shall
constitute district fifteen. 6660
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District sixteen. Ashland, Crawford, Hardin, Marion,
Richland, Seneca, Wayne, and Wyandot counties shall constitute
district sixteen. 6663
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6665

District seventeen. Delaware, Fairfield, Knox, Licking,
Morrow, and Pickaway counties shall constitute district seventeen. 6666
6667

District eighteen. Athens, Belmont, Hocking, Meigs, Monroe,
Morgan, Muskingum, Noble, Perry, and Washington counties shall
constitute district eighteen. 6668
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6670

District nineteen. Stark county shall constitute district
nineteen. 6671
6672

Sec. 164.05. (A) The director of the Ohio public works 6673
commission shall do all of the following: 6674

(1) Approve requests for financial assistance from district 6675
public works integrating committees and enter into agreements with 6676
one or more local subdivisions to provide loans, grants, and local 6677
debt support and credit enhancements for a capital improvement 6678
project if the director determines that: 6679

(a) The project is an eligible project pursuant to this 6680
chapter; 6681

(b) The financial assistance for the project has been 6682
properly approved and requested by the district committee of the 6683
district which includes the recipient of the loan or grant; 6684

(c) The amount of the financial assistance, when added to all 6685
other financial assistance provided during the fiscal year for 6686
projects within the district, does not exceed that district's 6687
allocation of money from the state capital improvements fund for 6688
that fiscal year; 6689

(d) The district committee has provided such documentation 6690
and other evidence as the director may require that the district 6691
committee has satisfied the requirements of section 164.06 or 6692
164.14 of the Revised Code; 6693

(e) The portion of a district's annual allocation which the 6694
director approves in the form of loans and local debt support and 6695
credit enhancements for eligible projects is consistent with 6696
divisions (E) and (F) of this section. 6697

(2) Authorize payments to local subdivisions or their 6698
contractors for costs incurred for capital improvement projects 6699
which have been approved pursuant to this chapter. All requests 6700
for payments shall be submitted to the director on forms and in 6701
accordance with procedures specified in rules adopted by the 6702

director pursuant to division (A)(4) of this section. 6703

(3) Retain the services of or employ financial consultants, 6704
engineers, accountants, attorneys, and such other employees as the 6705
director determines are necessary to carry out the director's 6706
duties under this chapter and fix the compensation for their 6707
services; 6708

(4) Adopt rules establishing the procedures for making 6709
applications, reviewing, approving, and rejecting projects for 6710
which assistance is authorized under this chapter, and any other 6711
rules needed to implement the provisions of this chapter. Such 6712
rules shall be adopted under Chapter 119. of the Revised Code. 6713

(5) Provide information and other assistance to local 6714
subdivisions and district public works integrating committees in 6715
developing their requests for financial assistance for capital 6716
improvements under this chapter and encourage cooperation and 6717
coordination of requests and the development of multisubdivision 6718
and multidistrict projects in order to maximize the benefits that 6719
may be derived by districts from each year's allocation; 6720

(6) Require local subdivisions, to the extent practicable, to 6721
use Ohio products, materials, services, and labor in connection 6722
with any capital improvement project financed in whole or in part 6723
under this chapter; 6724

(7) Notify the director of budget and management of all 6725
approved projects, and supply all information necessary to track 6726
approved projects through the state accounting system; 6727

(8) Appoint the administrator of the Ohio small government 6728
capital improvements commission; 6729

(9) Do all other acts, enter into contracts, and execute all 6730
instruments necessary or appropriate to carry out this chapter; 6731

(10) Develop a standardized methodology for evaluating 6732

capital improvement needs which will be used by local subdivisions 6733
in preparing the plans required by division (C) of section 164.06 6734
of the Revised Code. The director shall develop this methodology 6735
not later than July 1, 1991. 6736

(11) Establish a program to provide local subdivisions with 6737
technical assistance in preparing project applications. The 6738
program shall be designed to assist local subdivisions that lack 6739
the financial or technical resources to prepare project 6740
applications on their own. 6741

(B) When the director of the Ohio public works commission 6742
decides to conditionally approve or disapprove projects, the 6743
director's decisions and the reasons for which they are made shall 6744
be made in writing. These written decisions shall be conclusive 6745
for the purposes of the validity and enforceability of such 6746
determinations. 6747

(C) Fees, charges, rates of interest, times of payment of 6748
interest and principal, and other terms, conditions, and 6749
provisions of and security for financial assistance provided 6750
pursuant to the provisions of this chapter shall be such as the 6751
director determines to be appropriate. If any payments required by 6752
a loan agreement entered into pursuant to this chapter are not 6753
paid, the funds which would otherwise be apportioned to the local 6754
subdivision from the county undivided local ~~government~~ communities 6755
fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, 6756
may, at the direction of the director of the Ohio public works 6757
commission, be reduced by the amount payable. The county treasurer 6758
shall, at the direction of the director, pay the amount of such 6759
reductions to the state capital improvements revolving loan fund. 6760
The director may renegotiate a loan repayment schedule with a 6761
local subdivision whose payments from the county undivided local 6762
~~government~~ communities fund could be reduced pursuant to this 6763
division, but such a renegotiation may occur only one time with 6764

respect to any particular loan agreement. 6765

(D) Grants approved for the repair and replacement of 6766
existing infrastructure pursuant to this chapter shall not exceed 6767
ninety per cent of the estimated total cost of the capital 6768
improvement project. Grants approved for new or expanded 6769
infrastructure shall not exceed fifty per cent of the estimated 6770
cost of the new or expansion elements of the capital improvement 6771
project. A local subdivision share of the estimated cost of a 6772
capital improvement may consist of any of the following: 6773

(1) The reasonable value, as determined by the director or 6774
the administrator, of labor, materials, and equipment that will be 6775
contributed by the local subdivision in performing the capital 6776
improvement project; 6777

(2) Moneys received by the local subdivision in any form from 6778
an authority, commission, or agency of the United States for use 6779
in performing the capital improvement project; 6780

(3) Loans made to the local subdivision under this chapter; 6781

(4) Engineering costs incurred by the local subdivision in 6782
performing engineering activities related to the project. 6783

A local subdivision share of the cost of a capital 6784
improvement shall not include any amounts awarded to it from the 6785
local transportation improvement program fund created in section 6786
164.14 of the Revised Code. 6787

(E) The following portion of a district public works 6788
integrating committee's annual allocation share pursuant to 6789
section 164.08 of the Revised Code may be awarded to subdivisions 6790
only in the form of interest-free, low-interest, market rate of 6791
interest, or blended-rate loans: 6792

YEAR IN WHICH	PORTION USED FOR	
MONEYS ARE ALLOCATED	LOANS	
		6793
		6794

Year 1	0%	6795
Year 2	0%	6796
Year 3	10%	6797
Year 4	12%	6798
Year 5	15%	6799
Year 6	20%	6800
Year 7, 8, 9, and 10	22%	6801

(F) The following portion of a district public works
integrating committee's annual allocation pursuant to section
164.08 of the Revised Code shall be awarded to subdivisions in the
form of local debt supported and credit enhancements:

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTIONS USED FOR LOCAL DEBT SUPPORT AND CREDIT ENHANCEMENTS	
Year 1	0%	6809
Year 2	0%	6810
Year 3	3%	6811
Year 4	5%	6812
Year 5	5%	6813
Year 6	7%	6814
Year 7	7%	6815
Year 8	8%	6816
Year 9	8%	6817
Year 10	8%	6818

(G) For the period commencing on March 29, 1988 and ending on
June 30, 1993, for the period commencing July 1, 1993, and ending
June 30, 1999, and for each five-year period thereafter, the total
amount of financial assistance awarded under sections 164.01 to
164.08 of the Revised Code for capital improvement projects
located wholly or partially within a county shall be equal to at
least thirty per cent of the amount of what the county would have
been allocated from the obligations authorized to be sold under
this chapter during each period, if such amounts had been

allocable to each county on a per capita basis. 6828

(H) The amount of the annual allocations made pursuant to 6829
divisions (B)(1) and (6) of section 164.08 of the Revised Code 6830
which can be used for new or expanded infrastructure is limited as 6831
follows: 6832

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTION WHICH MAY BE USED FOR NEW OR EXPANSION INFRASTRUCTURE	
Year 1	5%	6836
Year 2	5%	6837
Year 3	10%	6838
Year 4	10%	6839
Year 5	10%	6840
Year 6	15%	6841
Year 7	15%	6842
Year 8	20%	6843
Year 9	20%	6844
Year 10 and each year thereafter	20%	6845 6846

(I) The following portion of a district public works 6847
integrating committee's annual allocation share pursuant to 6848
section 164.08 of the Revised Code shall be awarded to 6849
subdivisions in the form of interest-free, low-interest, market 6850
rate of interest, or blended-rate loans, or local debt support and 6851
credit enhancements: 6852

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTION USED FOR LOANS OR LOCAL DEBT SUPPORT AND CREDIT ENHANCEMENTS	
Year 11 and each year thereafter	20%	6853 6854 6855 6856 6857

(J) No project shall be approved under this section unless 6858
the project is designed to have a useful life of at least seven 6859

years. In addition, the average useful life of all projects for 6860
which grants or loans are awarded in each district during a 6861
program year shall not be less than twenty years. 6862

Sec. 164.051. (A) The administrator of the Ohio small 6863
government capital improvements commission shall review projects 6864
submitted to ~~him~~ the administrator by subcommittees of district 6865
public works integrating committees in accordance with section 6866
164.06 of the Revised Code. If ~~he~~ the administrator determines 6867
that a project satisfies the criteria of division (B) of that 6868
section, while taking into consideration the special needs of 6869
villages and townships, the administrator shall recommend to the 6870
Ohio small government capital improvements commission that the 6871
project be approved. If ~~he~~ the administrator determines that a 6872
project should not be approved or that a decision on the project 6873
should be delayed, such determinations and an explanation should 6874
also be sent to the Ohio small government capital improvements 6875
commission for final resolution. 6876

(B) With respect to projects which the Ohio small government 6877
capital improvements commission approves, the administrator is 6878
authorized to: 6879

(1) Enter into agreements to provide financial assistance in 6880
the form of loans, grants, or local debt support and credit 6881
enhancements to villages or townships with populations in the 6882
unincorporated areas of the township of less than five thousand; 6883

(2) Authorize payments to such villages or townships or their 6884
contractors for the costs incurred for capital improvement 6885
projects which have been approved in accordance with this chapter. 6886
All requests for payments shall be submitted to the administrator 6887
on forms and in accordance with procedures specified in rules 6888
adopted pursuant to division (A)(4) of section 164.05 of the 6889
Revised Code. 6890

(3) Notify the director of budget and management of all approved projects, and supply all information necessary to track the approved projects through the state accounting system.

(4) Do all other acts and enter into contracts and execute all instruments necessary or appropriate to carry out this section.

(C) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of and security for financial assistance provided pursuant to the provisions of this section shall be such as the administrator determines to be appropriate. If any payments required by a loan agreement entered into pursuant to this section are not paid, the funds which would otherwise be apportioned to the local subdivision from the county undivided local ~~government~~ communities fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, may, at the direction of the Ohio small government capital improvements commission, be reduced by the amount payable. The county treasurer shall, at the direction of the commission, pay the amount of such reductions to the state capital improvements revolving loan fund. Subject to the approval of the Ohio small government capital improvements commission, the administrator may renegotiate a loan repayment schedule with a local subdivision whose payments from the county undivided local ~~government~~ communities fund could be reduced pursuant to this division, but such a renegotiation may occur only one time with respect to any particular loan agreement.

Sec. 164.08. (A) Except as provided in sections 151.01 and 151.08 or section 164.09 of the Revised Code, the net proceeds of obligations issued and sold by the treasurer of state pursuant to section 164.09 of the Revised Code before September 30, 2000, or pursuant to sections 151.01 and 151.08 of the Revised Code, for

the purpose of financing or assisting in the financing of the cost 6922
of public infrastructure capital improvement projects of local 6923
subdivisions, as provided for in Section ~~2k~~ 2m, or 2p of 6924
Article VIII, Ohio Constitution, and this chapter, shall be paid 6925
into the state capital improvements fund, which is hereby created 6926
in the state treasury. Investment earnings on moneys in the fund 6927
shall be credited to the fund. 6928

(B) Each program year the amount of obligations authorized by 6929
the general assembly in accordance with sections 151.01 and 151.08 6930
or section 164.09 of the Revised Code, excluding the proceeds of 6931
refunding or renewal obligations, shall be allocated by the 6932
director of the Ohio public works commission as follows: 6933

(1) First, twelve million dollars of the amount of 6934
obligations authorized shall be allocated to provide financial 6935
assistance to villages and to townships with populations in the 6936
unincorporated areas of the township of less than five thousand 6937
persons, for capital improvements in accordance with section 6938
164.051 and division (D) of section 164.06 of the Revised Code. As 6939
used in division (B)(1) of this section, "capital improvements" 6940
includes resurfacing and improving roads. 6941

(2) Following the allocation required by division (B)(1) of 6942
this section, the director may allocate two million five hundred 6943
thousand dollars of the authorized obligations to provide 6944
financial assistance to local subdivisions for capital improvement 6945
projects which in the judgment of the director of the Ohio public 6946
works commission are necessary for the immediate preservation of 6947
the health, safety, and welfare of the citizens of the local 6948
subdivision requesting assistance. 6949

(3) For the second, third, fourth, and fifth years that 6950
obligations are authorized and are available for allocation under 6951
this chapter, one million dollars shall be allocated to the sewer 6952
and water fund created in section 1525.11 of the Revised Code. 6953

Money from this allocation shall be transferred to that fund when 6954
needed to support specific payments from that fund. 6955

(4) For program years twelve and fourteen that obligations 6956
are authorized and available for allocation under this chapter, 6957
two million dollars each program year shall be allocated to the 6958
small county capital improvement program for use in providing 6959
financial assistance under division (F) of section 164.02 of the 6960
Revised Code. 6961

(5) After the allocation required by division (B)(3) of this 6962
section is made, the director shall determine the amount of the 6963
remaining obligations authorized to be issued and sold that each 6964
county would receive if such amounts were allocated on a per 6965
capita basis each year. If a county's per capita share for the 6966
year would be less than three hundred thousand dollars, the 6967
director shall allocate to the district in which that county is 6968
located an amount equal to the difference between three hundred 6969
thousand dollars and the county's per capita share. 6970

(6) After making the allocation required by division (B)(5) 6971
of this section, the director shall allocate the remaining amount 6972
to each district on a per capita basis. 6973

(C)(1) There is hereby created in the state treasury the 6974
state capital improvements revolving loan fund, into which shall 6975
be deposited all repayments of loans made to local subdivisions 6976
for capital improvements pursuant to this chapter. Investment 6977
earnings on moneys in the fund shall be credited to the fund. 6978

(2) There may also be deposited in the state capital 6979
improvements revolving loan fund moneys obtained from federal or 6980
private grants, or from other sources, which are to be used for 6981
any of the purposes authorized by this chapter. Such moneys shall 6982
be allocated each year in accordance with division (B)(6) of this 6983
section. 6984

(3) Moneys deposited into the state capital improvements revolving loan fund shall be used to make loans for the purpose of financing or assisting in the financing of the cost of capital improvement projects of local subdivisions.

(4) Investment earnings credited to the state capital improvements revolving loan fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements shall be used to pay costs incurred by the public works commission in administering this section. Investment earnings credited to the state capital improvements revolving loan fund that exceed the amounts required to pay for the administrative costs and estimated rebate requirements shall be allocated to each district on a per capita basis.

(5) Each program year, loan repayments received and on deposit in the state capital improvements revolving loan fund shall be allocated as follows:

(a) Each district public works integrating committee shall be allocated an amount equal to the sum of all loan repayments made to the state capital improvements revolving loan fund by local subdivisions that are part of the district. Moneys not used in a program year may be used in the next program year in the same manner and for the same purpose as originally allocated.

(b) Loan repayments made pursuant to projects approved under division (B)(1) of this section shall be used to make loans in accordance with section 164.051 and division (D) of section 164.06 of the Revised Code. Allocations for this purpose made pursuant to division (C)(5) of this section shall be in addition to the allocation provided in division (B)(1) of this section.

(c) Loan repayments made pursuant to projects approved under division (B)(2) of this section shall be used to make loans in accordance with division (B)(2) of this section. Allocations for

this purpose made pursuant to division (C)(5) of this section 7016
shall be in addition to the allocation provided in division (B)(2) 7017
of this section. 7018

(d) Loans made from the state capital improvements revolving 7019
loan fund shall not be limited in their usage by divisions (E), 7020
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 7021

(D) Investment earnings credited to the state capital 7022
improvements fund that exceed the amounts required to meet 7023
estimated federal arbitrage rebate requirements shall be used to 7024
pay costs incurred by the public works commission in administering 7025
sections 164.01 to 164.12 of the Revised Code. 7026

(E) The director of the Ohio public works commission shall 7027
notify the director of budget and management of the amounts 7028
allocated pursuant to this section and such information shall be 7029
entered into the state accounting system. The director of budget 7030
and management shall establish appropriation line items as needed 7031
to track these allocations. 7032

(F) If the amount of a district's allocation in a program 7033
year exceeds the amount of financial assistance approved for the 7034
district by the commission for that year, the remaining portion of 7035
the district's allocation shall be added to the district's 7036
allocation pursuant to division (B) of this section for the next 7037
succeeding year for use in the same manner and for the same 7038
purposes as it was originally allocated, except that any portion 7039
of a district's allocation which was available for use on new or 7040
expanded infrastructure pursuant to division (H) of section 164.05 7041
of the Revised Code shall be available in succeeding years only 7042
for the repair and replacement of existing infrastructure. 7043

(G) When an allocation based on population is made by the 7044
director pursuant to division (B) of this section, the director 7045
shall use the most recent decennial census statistics, and shall 7046

not make any reallocations based upon a change in a district's 7047
population. 7048

Sec. 164.09. (A) The issuer is authorized to issue and sell, 7049
as provided in this section and in amounts from time to time 7050
authorized by the general assembly, general obligations of this 7051
state for the purpose of financing or assisting in the financing 7052
of the costs of public infrastructure capital improvements for 7053
local subdivisions. The full faith and credit, revenues, and 7054
taxing power of the state are and shall be pledged to the timely 7055
payment of bond service charges on outstanding obligations, all in 7056
accordance with Section 2k or 2m of Article VIII, Ohio 7057
Constitution and sections 164.09 to 164.12 of the Revised Code, 7058
excluding from that pledge fees, excises, or taxes relating to the 7059
registration, operation, or use of vehicles on the public 7060
highways, or to fuels used for propelling those vehicles, and so 7061
long as such obligations are outstanding there shall be levied and 7062
collected excises and taxes, excluding those excepted above, in 7063
amounts sufficient to pay the bond service charges on such 7064
obligations and costs relating to credit facilities. 7065

(B)(1) The total principal amount of obligations issued 7066
pursuant to Section 2k of Article VIII, Ohio Constitution shall 7067
not exceed one billion two hundred million dollars, and not more 7068
than one hundred twenty million dollars in principal amount of 7069
obligations may be issued in any calendar year, all determined as 7070
provided in sections 164.09 to 164.12 of the Revised Code. 7071

(2) The total principal amount of obligations issued for the 7072
purposes of this section pursuant to Section 2m of Article VIII, 7073
Ohio Constitution, shall not exceed one billion two hundred 7074
million dollars. Not more than one hundred twenty million dollars 7075
in principal amount of such obligations, plus the principal amount 7076
of such obligations that in any prior fiscal years could have been 7077

but were not issued within the one-hundred-twenty-million-dollar 7078
fiscal year limit, may be issued in any fiscal year. No 7079
obligations shall be issued for the purposes of this section 7080
pursuant to Section 2m of Article VIII, Ohio Constitution, until 7081
at least one billion one hundred ninety-nine million five hundred 7082
thousand dollars aggregate principal amount of obligations have 7083
been issued pursuant to Section 2k of Article VIII, Ohio 7084
Constitution. The amounts specified under division (B)(2) of this 7085
section shall be determined as provided in sections 164.09 to 7086
164.12 of the Revised Code. 7087

(C) Each issue of obligations shall be authorized by order of 7088
the issuer. The bond proceedings shall provide for the principal 7089
amount or maximum principal amount of obligations of an issue, and 7090
shall provide for or authorize the manner or agency for 7091
determining the principal maturity or maturities, not exceeding 7092
the earlier of thirty years from the date of issuance of the 7093
particular obligations or thirty years from the date the debt 7094
represented by the particular obligations was originally 7095
contracted, the interest rate or rates, the date of and the dates 7096
of payment of interest on the obligations, their denominations, 7097
and the establishment within or without the state of a place or 7098
places of payment of bond service charges. Sections 9.96 and 9.98 7099
to 9.983 of the Revised Code are applicable to the obligations. 7100
The purpose of the obligations may be stated in the bond 7101
proceedings as "financing or assisting in the financing of local 7102
subdivisions capital improvement projects." 7103

(D) The proceeds of the obligations, except for any portion 7104
to be deposited in special funds, or in escrow funds for the 7105
purpose of refunding outstanding obligations, all as may be 7106
provided in the bond proceedings, shall be deposited to the state 7107
capital improvements fund established by section 164.08 of the 7108
Revised Code. 7109

(E) The issuer may appoint paying agents, bond registrars, securities depositories, and transfer agents, and may retain the services of financial advisers and accounting experts, 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 issuer's judgment to carry out sections 164.01 to 164.12 of the Revised Code. Financing costs are payable, as provided in the bond proceedings, from the proceeds of the obligations, from special funds, or from other moneys available for the purpose.

(F) The bond proceedings, including any trust agreement, may contain additional provisions customary or appropriate to the financing or to the obligations or to particular obligations, including but not limited to:

(1) The redemption of obligations prior to maturity at the option of the state or of the holder or upon the occurrence of certain conditions at such price or prices and under such terms and conditions as are provided in the bond proceedings;

(2) The form of and other terms of the obligations;

(3) The establishment, deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this section with respect to particular funds or moneys, and provided that any bank or trust company that acts as a depository of any moneys in special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuer;

(4) Any or every provision of the bond proceedings binding upon the issuer and such state agency or local subdivision, officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority

under law to take such actions as may be necessary to perform all 7141
or any part of the duty required by such provision; 7142

(5) The maintenance of each pledge, any trust agreement, or 7143
other instrument comprising part of the bond proceedings until the 7144
state has fully paid or provided for the payment of the bond 7145
service charges on the obligations or met other stated conditions; 7146

(6) In the event of default in any payments required to be 7147
made by the bond proceedings, or any other agreement of the issuer 7148
made as a part of a contract under which the obligations were 7149
issued or secured, the enforcement of such payments or agreements 7150
by mandamus, suit in equity, action at law, or any combination of 7151
the foregoing; 7152

(7) The rights and remedies of the holders of obligations and 7153
of the trustee under any trust agreement, and provisions for 7154
protecting and enforcing them, including limitations on rights of 7155
individual holders of obligations; 7156

(8) The replacement of any obligations that become mutilated 7157
or are destroyed, lost, or stolen; 7158

(9) Provision for the funding, refunding, or advance 7159
refunding or other provision for payment of obligations which will 7160
then no longer be outstanding for purposes of this section or of 7161
the bond proceedings; 7162

(10) Any provision that may be made in bond proceedings or a 7163
trust agreement, including provision for amendment of the bond 7164
proceedings; 7165

(11) Such other provisions as the issuer determines, 7166
including limitations, conditions, or qualifications relating to 7167
any of the foregoing; 7168

(12) Any other or additional agreements with the holders of 7169
the obligations relating to the obligations or the security for 7170

the obligations. 7171

(G) The great seal of the state or a facsimile of that seal 7172
may be affixed to or printed on the obligations. The obligations 7173
requiring signature by the issuer shall be signed by or bear the 7174
facsimile signature of the issuer as provided in the bond 7175
proceedings. Any obligations may be signed by the person who, on 7176
the date of execution, is the authorized signer although on the 7177
date of such obligations such person was not the issuer. In case 7178
the person whose signature or a facsimile of whose signature 7179
appears on any obligation ceases to be the issuer before delivery 7180
of the obligation, such signature or facsimile is nevertheless 7181
valid and sufficient for all purposes as if the person had 7182
remained the member until such delivery, and in case the seal to 7183
be affixed to or printed on obligations has been changed after the 7184
seal has been affixed to or a facsimile of the seal has been 7185
printed on the obligations, that seal or facsimile seal shall 7186
continue to be sufficient as to those obligations and obligations 7187
issued in substitution or exchange therefor. 7188

(H) The obligations are negotiable instruments and securities 7189
under Chapter 1308. of the Revised Code, subject to the provisions 7190
of the bond proceedings as to registration. Obligations may be 7191
issued in coupon or in fully registered form, or both, as the 7192
issuer determines. Provision may be made for the registration of 7193
any obligations with coupons attached as to principal alone or as 7194
to both principal and interest, their exchange for obligations so 7195
registered, and for the conversion or reconversion into 7196
obligations with coupons attached of any obligations registered as 7197
to both principal and interest, and for reasonable charges for 7198
such registration, exchange, conversion, and reconversion. Pending 7199
preparation of definitive obligations, the issuer may issue 7200
interim receipts or certificates which shall be exchanged for such 7201
definitive obligations. 7202

(I) Obligations may be sold at public sale or at private 7203
sale, and at such price at, above, or below par, as determined by 7204
the issuer in the bond proceedings. 7205

(J) In the discretion of the issuer, obligations may be 7206
secured additionally by a trust agreement between the state and a 7207
corporate trustee which may be any trust company or bank having 7208
~~its principal~~ a place of business within the state. Any trust 7209
agreement may contain the order authorizing the issuance of the 7210
obligations, any provisions that may be contained in the bond 7211
proceedings, and other provisions that are customary or 7212
appropriate in an agreement of the type. 7213

(K) Except to the extent that their rights are restricted by 7214
the bond proceedings, any holder of obligations, or a trustee 7215
under the bond proceedings, may by any suitable form of legal 7216
proceedings protect and enforce any rights under the laws of this 7217
state or granted by the bond proceedings. Such rights include the 7218
right to compel the performance of all duties of the issuer and 7219
the state. Each duty of the issuer and the issuer's employees, and 7220
of each state agency and local public entity and its officers, 7221
members, or employees, undertaken pursuant to the bond 7222
proceedings, is hereby established as a duty of the issuer, and of 7223
each such agency, local subdivision, officer, member, or employee 7224
having authority to perform such duty, specifically enjoined by 7225
the law and resulting from an office, trust, or station within the 7226
meaning of section 2731.01 of the Revised Code. The persons who 7227
are at the time the issuer, or the issuer's employees, are not 7228
liable in their personal capacities on any obligations or any 7229
agreements of or with the issuer relating to obligations or under 7230
the bond proceedings. 7231

(L) Obligations are lawful investments for banks, societies 7232
for savings, savings and loan associations, deposit guarantee 7233
associations, trust companies, trustees, fiduciaries, insurance 7234

companies, including domestic for life and domestic not for life, 7235
trustees or other officers having charge of sinking and bond 7236
retirement or other special funds of political subdivisions and 7237
taxing districts of this state, the commissioners of the sinking 7238
fund, the administrator of workers' compensation, the state 7239
teachers retirement system, the public employees retirement 7240
system, the school employees retirement system, and the Ohio 7241
police and fire pension fund, notwithstanding any other provisions 7242
of the Revised Code or rules adopted pursuant thereto by any state 7243
agency with respect to investments by them, and are also 7244
acceptable as security for the deposit of public moneys. 7245

(M) Unless otherwise provided in any applicable bond 7246
proceedings, moneys to the credit of or in the special funds 7247
established by or pursuant to this section may be invested by or 7248
on behalf of the issuer only in notes, bonds, or other direct 7249
obligations of the United States or of any agency or 7250
instrumentality of the United States, in obligations of this state 7251
or any political subdivision of this state, in certificates of 7252
deposit of any national bank located in this state and any bank, 7253
as defined in section 1101.01 of the Revised Code, subject to 7254
inspection by the superintendent of financial institutions, in the 7255
Ohio subdivision's fund established pursuant to section 135.45 of 7256
the Revised Code, in no-front-end-load money market mutual funds 7257
consisting exclusively of direct obligations of the United States 7258
or of an agency or instrumentality of the United States, and in 7259
repurchase agreements, including those issued by any fiduciary, 7260
secured by direct obligations of the United States or an agency or 7261
instrumentality of the United States, and in collective investment 7262
funds established in accordance with section 1111.14 of the 7263
Revised Code and consisting exclusively of direct obligations of 7264
the United States or of an agency or instrumentality of the United 7265
States, notwithstanding division (A)(1)(c) of that section. The 7266
income from investments shall be credited to such special funds or 7267

otherwise as the issuer determines in the bond proceedings, and 7268
the investments may be sold or exchanged at such times as the 7269
issuer determines or authorizes. 7270

(N) Unless otherwise provided in any applicable bond 7271
proceedings, moneys to the credit of or in a special fund shall be 7272
disbursed on the order of the issuer, provided that no such order 7273
is required for the payment from the bond service fund or other 7274
special fund when due of bond service charges or required payments 7275
under credit facilities. 7276

(O) The issuer may covenant in the bond proceedings, and any 7277
such covenants shall be controlling notwithstanding any other 7278
provision of law, that the state and the applicable officers and 7279
agencies of the state, including the general assembly, so long as 7280
any obligations are outstanding in accordance with their terms, 7281
shall maintain statutory authority for and cause to be charged and 7282
collected taxes, excises, and other receipts of the state so that 7283
the receipts to the bond service fund shall be sufficient in 7284
amounts to meet bond service charges and for the establishment and 7285
maintenance of any reserves and other requirements, including 7286
payment of financing costs, provided for in the bond proceedings. 7287

(P) The obligations, and the transfer of, and the interest 7288
and other income from, including any profit made on the sale, 7289
transfer, or other disposition of, the obligations shall at all 7290
times be free from taxation, direct or indirect, within the state. 7291

(Q) Unless a judicial action or proceeding challenging the 7292
validity of obligations is commenced by personal service on the 7293
treasurer of state prior to the initial delivery of an issue of 7294
the obligations, the obligations of that issue and the bond 7295
proceedings pertaining to that issue are incontestable and those 7296
obligations shall be conclusively considered to be and to have 7297
been issued, secured, payable, sold, executed, and delivered, and 7298
the bond proceedings relating to them taken, in conformity with 7299

law if all of the following apply to the obligations: 7300

(1) They state that they are issued under the provisions of 7301
this section and comply on their face with those provisions; 7302

(2) They are issued within the limitations prescribed by this 7303
section; 7304

(3) Their purchase price has been paid in full; 7305

(4) They state that all the bond proceedings were held in 7306
compliance with law, which statement creates a conclusive 7307
presumption that the bond proceedings were held in compliance with 7308
all laws, including section 121.22 of the Revised Code, where 7309
applicable, and rules. 7310

(R) This section applies only with respect to obligations 7311
issued and delivered before September 30, 2000. 7312

Sec. 166.08. (A) As used in this chapter: 7313

(1) "Bond proceedings" means the resolution, order, trust 7314
agreement, indenture, lease, and other agreements, amendments and 7315
supplements to the foregoing, or any one or more or combination 7316
thereof, authorizing or providing for the terms and conditions 7317
applicable to, or providing for the security or liquidity of, 7318
obligations issued pursuant to this section, and the provisions 7319
contained in such obligations. 7320

(2) "Bond service charges" means principal, including 7321
mandatory sinking fund requirements for retirement of obligations, 7322
and interest, and redemption premium, if any, required to be paid 7323
by the state on obligations. 7324

(3) "Bond service fund" means the applicable fund and 7325
accounts therein created for and pledged to the payment of bond 7326
service charges, which may be, or may be part of, the economic 7327
development bond service fund created by division (S) of this 7328
section including all moneys and investments, and earnings from 7329

investments, credited and to be credited thereto. 7330

(4) "Issuing authority" means the treasurer of state, or the 7331
officer who by law performs the functions of such officer. 7332

(5) "Obligations" means bonds, notes, or other evidence of 7333
obligation including interest coupons pertaining thereto, issued 7334
pursuant to this section. 7335

(6) "Pledged receipts" means all receipts of the state 7336
representing the gross profit on the sale of spirituous liquor, as 7337
referred to in division (B)(4) of section 4301.10 of the Revised 7338
Code, after paying all costs and expenses of the division of 7339
liquor control and providing an adequate working capital reserve 7340
for the division of liquor control as provided in that division, 7341
but excluding the sum required by the second paragraph of section 7342
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 7343
paid into the state treasury; moneys accruing to the state from 7344
the lease, sale, or other disposition, or use, of project 7345
facilities, and from the repayment, including interest, of loans 7346
made from proceeds received from the sale of obligations; accrued 7347
interest received from the sale of obligations; income from the 7348
investment of the special funds; and any gifts, grants, donations, 7349
and pledges, and receipts therefrom, available for the payment of 7350
bond service charges. 7351

(7) "Special funds" or "funds" means, except where the 7352
context does not permit, the bond service fund, and any other 7353
funds, including reserve funds, created under the bond 7354
proceedings, and the economic development bond service fund 7355
created by division (S) of this section to the extent provided in 7356
the bond proceedings, including all moneys and investments, and 7357
earnings from investment, credited and to be credited thereto. 7358

(B) Subject to the limitations provided in section 166.11 of 7359
the Revised Code, the issuing authority, upon the certification by 7360

the director of development to the issuing authority of the amount 7361
of moneys or additional moneys needed in the facilities 7362
establishment fund, the loan guarantee fund, the innovation Ohio 7363
loan fund, the innovation Ohio loan guarantee fund, or the 7364
research and development loan fund for the purpose of paying, or 7365
making loans for, allowable costs from the facilities 7366
establishment fund, allowable innovation costs from the innovation 7367
Ohio loan fund, or allowable costs from the research and 7368
development loan fund, or needed for capitalized interest, for 7369
funding reserves, and for paying costs and expenses incurred in 7370
connection with the issuance, carrying, securing, paying, 7371
redeeming, or retirement of the obligations or any obligations 7372
refunded thereby, including payment of costs and expenses relating 7373
to letters of credit, lines of credit, insurance, put agreements, 7374
standby purchase agreements, indexing, marketing, remarketing and 7375
administrative arrangements, interest swap or hedging agreements, 7376
and any other credit enhancement, liquidity, remarketing, renewal, 7377
or refunding arrangements, all of which are authorized by this 7378
section, or providing moneys for the loan guarantee fund or the 7379
innovation Ohio loan guarantee fund, as provided in this chapter 7380
or needed for the purposes of funds established in accordance with 7381
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 7382
122.561, 122.57, and 122.80 of the Revised Code which are within 7383
the authorization of Section 13 of Article VIII, Ohio 7384
Constitution, shall issue obligations of the state under this 7385
section in the required amount; provided that such obligations may 7386
be issued to satisfy the covenants in contracts of guarantee made 7387
under section 166.06 or 166.15 of the Revised Code, 7388
notwithstanding limitations otherwise applicable to the issuance 7389
of obligations under this section. The proceeds of such 7390
obligations, except for the portion to be deposited in special 7391
funds, including reserve funds, as may be provided in the bond 7392
proceedings, shall as provided in the bond proceedings be 7393

deposited by the director of development to the facilities 7394
establishment fund, the loan guarantee fund, the innovation Ohio 7395
loan guarantee fund, the innovation Ohio loan fund, or the 7396
research and development loan fund. Bond proceedings for project 7397
financing obligations may provide that the proceeds derived from 7398
the issuance of such obligations shall be deposited into such fund 7399
or funds provided for in the bond proceedings and, to the extent 7400
provided for in the bond proceedings, such proceeds shall be 7401
deemed to have been deposited into the facilities establishment 7402
fund and transferred to such fund or funds. The issuing authority 7403
may appoint trustees, paying agents, and transfer agents and may 7404
retain the services of financial advisors, accounting experts, and 7405
attorneys, and retain or contract for the services of marketing, 7406
remarketing, indexing, and administrative agents, other 7407
consultants, and independent contractors, including printing 7408
services, as are necessary in the issuing authority's judgment to 7409
carry out this section. The costs of such services are allowable 7410
costs payable from the facilities establishment fund or the 7411
research and development loan fund or allowable innovation costs 7412
payable from the innovation Ohio loan fund. 7413

(C) The holders or owners of such obligations shall have no 7414
right to have moneys raised by taxation obligated or pledged, and 7415
moneys raised by taxation shall not be obligated or pledged, for 7416
the payment of bond service charges. Such holders or owners shall 7417
have no rights to payment of bond service charges from any moneys 7418
accruing to the state from the lease, sale, or other disposition, 7419
or use, of project facilities, or from payment of the principal of 7420
or interest on loans made, or fees charged for guarantees made, or 7421
from any money or property received by the director, treasurer of 7422
state, or the state under Chapter 122. of the Revised Code, or 7423
from any other use of the proceeds of the sale of the obligations, 7424
and no such moneys may be used for the payment of bond service 7425
charges, except for accrued interest, capitalized interest, and 7426

reserves funded from proceeds received upon the sale of the 7427
obligations and except as otherwise expressly provided in the 7428
applicable bond proceedings pursuant to written directions by the 7429
director. The right of such holders and owners to payment of bond 7430
service charges is limited to all or that portion of the pledged 7431
receipts and those special funds pledged thereto pursuant to the 7432
bond proceedings in accordance with this section, and each such 7433
obligation shall bear on its face a statement to that effect. 7434

(D) Obligations shall be authorized by resolution or order of 7435
the issuing authority and the bond proceedings shall provide for 7436
the purpose thereof and the principal amount or amounts, and shall 7437
provide for or authorize the manner or agency for determining the 7438
principal maturity or maturities, not exceeding twenty-five years 7439
from the date of issuance, the interest rate or rates or the 7440
maximum interest rate, the date of the obligations and the dates 7441
of payment of interest thereon, their denomination, and the 7442
establishment within or without the state of a place or places of 7443
payment of bond service charges. Sections 9.98 to 9.983 of the 7444
Revised Code are applicable to obligations issued under this 7445
section, subject to any applicable limitation under section 166.11 7446
of the Revised Code. The purpose of such obligations may be stated 7447
in the bond proceedings in terms describing the general purpose or 7448
purposes to be served. The bond proceedings also shall provide, 7449
subject to the provisions of any other applicable bond 7450
proceedings, for the pledge of all, or such part as the issuing 7451
authority may determine, of the pledged receipts and the 7452
applicable special fund or funds to the payment of bond service 7453
charges, which pledges may be made either prior or subordinate to 7454
other expenses, claims, or payments, and may be made to secure the 7455
obligations on a parity with obligations theretofore or thereafter 7456
issued, if and to the extent provided in the bond proceedings. The 7457
pledged receipts and special funds so pledged and thereafter 7458
received by the state are immediately subject to the lien of such 7459

pledge without any physical delivery thereof or further act, and 7460
the lien of any such pledges is valid and binding against all 7461
parties having claims of any kind against the state or any 7462
governmental agency of the state, irrespective of whether such 7463
parties have notice thereof, and shall create a perfected security 7464
interest for all purposes of Chapter 1309. of the Revised Code, 7465
without the necessity for separation or delivery of funds or for 7466
the filing or recording of the bond proceedings by which such 7467
pledge is created or any certificate, statement or other document 7468
with respect thereto; and the pledge of such pledged receipts and 7469
special funds is effective and the money therefrom and thereof may 7470
be applied to the purposes for which pledged without necessity for 7471
any act of appropriation. Every pledge, and every covenant and 7472
agreement made with respect thereto, made in the bond proceedings 7473
may therein be extended to the benefit of the owners and holders 7474
of obligations authorized by this section, and to any trustee 7475
therefor, for the further security of the payment of the bond 7476
service charges. 7477

(E) The bond proceedings may contain additional provisions as 7478
to: 7479

(1) The redemption of obligations prior to maturity at the 7480
option of the issuing authority at such price or prices and under 7481
such terms and conditions as are provided in the bond proceedings; 7482

(2) Other terms of the obligations; 7483

(3) Limitations on the issuance of additional obligations; 7484

(4) The terms of any trust agreement or indenture securing 7485
the obligations or under which the same may be issued; 7486

(5) The deposit, investment and application of special funds, 7487
and the safeguarding of moneys on hand or on deposit, without 7488
regard to Chapter 131. or 135. of the Revised Code, but subject to 7489
any special provisions of this chapter, with respect to particular 7490

funds or moneys, provided that any bank or trust company which 7491
acts as depository of any moneys in the special funds may furnish 7492
such indemnifying bonds or may pledge such securities as required 7493
by the issuing authority; 7494

(6) Any or every provision of the bond proceedings being 7495
binding upon such officer, board, commission, authority, agency, 7496
department, or other person or body as may from time to time have 7497
the authority under law to take such actions as may be necessary 7498
to perform all or any part of the duty required by such provision; 7499

(7) Any provision that may be made in a trust agreement or 7500
indenture; 7501

(8) Any other or additional agreements with the holders of 7502
the obligations, or the trustee therefor, relating to the 7503
obligations or the security therefor, including the assignment of 7504
mortgages or other security obtained or to be obtained for loans 7505
under section 122.43, 166.07, or 166.16 of the Revised Code. 7506

(F) The obligations may have the great seal of the state or a 7507
facsimile thereof affixed thereto or printed thereon. The 7508
obligations and any coupons pertaining to obligations shall be 7509
signed or bear the facsimile signature of the issuing authority. 7510
Any obligations or coupons may be executed by the person who, on 7511
the date of execution, is the proper issuing authority although on 7512
the date of such bonds or coupons such person was not the issuing 7513
authority. If the issuing authority whose signature or a facsimile 7514
of whose signature appears on any such obligation or coupon ceases 7515
to be the issuing authority before delivery thereof, such 7516
signature or facsimile is nevertheless valid and sufficient for 7517
all purposes as if the former issuing authority had remained the 7518
issuing authority until such delivery; and if the seal to be 7519
affixed to obligations has been changed after a facsimile of the 7520
seal has been imprinted on such obligations, such facsimile seal 7521
shall continue to be sufficient as to such obligations and 7522

obligations issued in substitution or exchange therefor. 7523

(G) All obligations are negotiable instruments and securities 7524
under Chapter 1308. of the Revised Code, subject to the provisions 7525
of the bond proceedings as to registration. The obligations may be 7526
issued in coupon or in registered form, or both, as the issuing 7527
authority determines. Provision may be made for the registration 7528
of any obligations with coupons attached thereto as to principal 7529
alone or as to both principal and interest, their exchange for 7530
obligations so registered, and for the conversion or reconversion 7531
into obligations with coupons attached thereto of any obligations 7532
registered as to both principal and interest, and for reasonable 7533
charges for such registration, exchange, conversion, and 7534
reconversion. 7535

(H) Obligations may be sold at public sale or at private 7536
sale, as determined in the bond proceedings. 7537

Obligations issued to provide moneys for the loan guarantee 7538
fund or the innovation Ohio loan guarantee fund may, as determined 7539
by the issuing authority, be sold at private sale, and without 7540
publication of a notice of sale. 7541

(I) Pending preparation of definitive obligations, the 7542
issuing authority may issue interim receipts or certificates which 7543
shall be exchanged for such definitive obligations. 7544

(J) In the discretion of the issuing authority, obligations 7545
may be secured additionally by a trust agreement or indenture 7546
between the issuing authority and a corporate trustee which may be 7547
any trust company or bank having ~~its principal~~ a place of business 7548
within the state. Any such agreement or indenture may contain the 7549
resolution or order authorizing the issuance of the obligations, 7550
any provisions that may be contained in any bond proceedings, and 7551
other provisions which are customary or appropriate in an 7552
agreement or indenture of such type, including, but not limited 7553

to: 7554

(1) Maintenance of each pledge, trust agreement, indenture, 7555
or other instrument comprising part of the bond proceedings until 7556
the state has fully paid the bond service charges on the 7557
obligations secured thereby, or provision therefor has been made; 7558

(2) In the event of default in any payments required to be 7559
made by the bond proceedings, or any other agreement of the 7560
issuing authority made as a part of the contract under which the 7561
obligations were issued, enforcement of such payments or agreement 7562
by mandamus, the appointment of a receiver, suit in equity, action 7563
at law, or any combination of the foregoing; 7564

(3) The rights and remedies of the holders of obligations and 7565
of the trustee, and provisions for protecting and enforcing them, 7566
including limitations on rights of individual holders of 7567
obligations; 7568

(4) The replacement of any obligations that become mutilated 7569
or are destroyed, lost, or stolen; 7570

(5) Such other provisions as the trustee and the issuing 7571
authority agree upon, including limitations, conditions, or 7572
qualifications relating to any of the foregoing. 7573

(K) Any holders of obligations or trustees under the bond 7574
proceedings, except to the extent that their rights are restricted 7575
by the bond proceedings, may by any suitable form of legal 7576
proceedings, protect and enforce any rights under the laws of this 7577
state or granted by such bond proceedings. Such rights include the 7578
right to compel the performance of all duties of the issuing 7579
authority, the director of development, or the division of liquor 7580
control required by this chapter or the bond proceedings; to 7581
enjoin unlawful activities; and in the event of default with 7582
respect to the payment of any bond service charges on any 7583
obligations or in the performance of any covenant or agreement on 7584

the part of the issuing authority, the director of development, or 7585
the division of liquor control in the bond proceedings, to apply 7586
to a court having jurisdiction of the cause to appoint a receiver 7587
to receive and administer the pledged receipts and special funds, 7588
other than those in the custody of the treasurer of state, which 7589
are pledged to the payment of the bond service charges on such 7590
obligations or which are the subject of the covenant or agreement, 7591
with full power to pay, and to provide for payment of bond service 7592
charges on, such obligations, and with such powers, subject to the 7593
direction of the court, as are accorded receivers in general 7594
equity cases, excluding any power to pledge additional revenues or 7595
receipts or other income or moneys of the issuing authority or the 7596
state or governmental agencies of the state to the payment of such 7597
principal and interest and excluding the power to take possession 7598
of, mortgage, or cause the sale or otherwise dispose of any 7599
project facilities. 7600

Each duty of the issuing authority and the issuing 7601
authority's officers and employees, and of each governmental 7602
agency and its officers, members, or employees, undertaken 7603
pursuant to the bond proceedings or any agreement or lease, 7604
lease-purchase agreement, or loan made under authority of this 7605
chapter, and in every agreement by or with the issuing authority, 7606
is hereby established as a duty of the issuing authority, and of 7607
each such officer, member, or employee having authority to perform 7608
such duty, specifically enjoined by the law resulting from an 7609
office, trust, or station within the meaning of section 2731.01 of 7610
the Revised Code. 7611

The person who is at the time the issuing authority, or the 7612
issuing authority's officers or employees, are not liable in their 7613
personal capacities on any obligations issued by the issuing 7614
authority or any agreements of or with the issuing authority. 7615

(L) The issuing authority may authorize and issue obligations 7616

for the refunding, including funding and retirement, and advance 7617
refunding with or without payment or redemption prior to maturity, 7618
of any obligations previously issued by the issuing authority. 7619
Such obligations may be issued in amounts sufficient for payment 7620
of the principal amount of the prior obligations, any redemption 7621
premiums thereon, principal maturities of any such obligations 7622
maturing prior to the redemption of the remaining obligations on a 7623
parity therewith, interest accrued or to accrue to the maturity 7624
dates or dates of redemption of such obligations, and any 7625
allowable costs including expenses incurred or to be incurred in 7626
connection with such issuance and such refunding, funding, and 7627
retirement. Subject to the bond proceedings therefor, the portion 7628
of proceeds of the sale of obligations issued under this division 7629
to be applied to bond service charges on the prior obligations 7630
shall be credited to an appropriate account held by the trustee 7631
for such prior or new obligations or to the appropriate account in 7632
the bond service fund for such obligations. Obligations authorized 7633
under this division shall be deemed to be issued for those 7634
purposes for which such prior obligations were issued and are 7635
subject to the provisions of this section pertaining to other 7636
obligations, except as otherwise provided in this section; 7637
provided that, unless otherwise authorized by the general 7638
assembly, any limitations imposed by the general assembly pursuant 7639
to this section with respect to bond service charges applicable to 7640
the prior obligations shall be applicable to the obligations 7641
issued under this division to refund, fund, advance refund or 7642
retire such prior obligations. 7643

(M) The authority to issue obligations under this section 7644
includes authority to issue obligations in the form of bond 7645
anticipation notes and to renew the same from time to time by the 7646
issuance of new notes. The holders of such notes or interest 7647
coupons pertaining thereto shall have a right to be paid solely 7648
from the pledged receipts and special funds that may be pledged to 7649

the payment of the bonds anticipated, or from the proceeds of such 7650
bonds or renewal notes, or both, as the issuing authority provides 7651
in the resolution or order authorizing such notes. Such notes may 7652
be additionally secured by covenants of the issuing authority to 7653
the effect that the issuing authority and the state will do such 7654
or all things necessary for the issuance of such bonds or renewal 7655
notes in appropriate amount, and apply the proceeds thereof to the 7656
extent necessary, to make full payment of the principal of and 7657
interest on such notes at the time or times contemplated, as 7658
provided in such resolution or order. For such purpose, the 7659
issuing authority may issue bonds or renewal notes in such 7660
principal amount and upon such terms as may be necessary to 7661
provide funds to pay when required the principal of and interest 7662
on such notes, notwithstanding any limitations prescribed by or 7663
for purposes of this section. Subject to this division, all 7664
provisions for and references to obligations in this section are 7665
applicable to notes authorized under this division. 7666

The issuing authority in the bond proceedings authorizing the 7667
issuance of bond anticipation notes shall set forth for such bonds 7668
an estimated interest rate and a schedule of principal payments 7669
for such bonds and the annual maturity dates thereof, and for 7670
purposes of any limitation on bond service charges prescribed 7671
under division (A) of section 166.11 of the Revised Code, the 7672
amount of bond service charges on such bond anticipation notes is 7673
deemed to be the bond service charges for the bonds anticipated 7674
thereby as set forth in the bond proceedings applicable to such 7675
notes, but this provision does not modify any authority in this 7676
section to pledge receipts and special funds to, and covenant to 7677
issue bonds to fund, the payment of principal of and interest and 7678
any premium on such notes. 7679

(N) Obligations issued under this section are lawful 7680
investments for banks, societies for savings, savings and loan 7681

associations, deposit guarantee associations, trust companies, 7682
trustees, fiduciaries, insurance companies, including domestic for 7683
life and domestic not for life, trustees or other officers having 7684
charge of sinking and bond retirement or other special funds of 7685
political subdivisions and taxing districts of this state, the 7686
commissioners of the sinking fund of the state, the administrator 7687
of workers' compensation, the state teachers retirement system, 7688
the public employees retirement system, the school employees 7689
retirement system, and the Ohio police and fire pension fund, 7690
notwithstanding any other provisions of the Revised Code or rules 7691
adopted pursuant thereto by any governmental agency of the state 7692
with respect to investments by them, and are also acceptable as 7693
security for the deposit of public moneys. 7694

(O) Unless otherwise provided in any applicable bond 7695
proceedings, moneys to the credit of or in the special funds 7696
established by or pursuant to this section may be invested by or 7697
on behalf of the issuing authority only in notes, bonds, or other 7698
obligations of the United States, or of any agency or 7699
instrumentality of the United States, obligations guaranteed as to 7700
principal and interest by the United States, obligations of this 7701
state or any political subdivision of this state, and certificates 7702
of deposit of any national bank located in this state and any 7703
bank, as defined in section 1101.01 of the Revised Code, subject 7704
to inspection by the superintendent of banks. If the law or the 7705
instrument creating a trust pursuant to division (J) of this 7706
section expressly permits investment in direct obligations of the 7707
United States or an agency of the United States, unless expressly 7708
prohibited by the instrument, such moneys also may be invested in 7709
no-front-end-load money market mutual funds consisting exclusively 7710
of obligations of the United States or an agency of the United 7711
States and in repurchase agreements, including those issued by the 7712
fiduciary itself, secured by obligations of the United States or 7713
an agency of the United States; and in common trust funds 7714

established in accordance with section 1111.20 of the Revised Code 7715
and consisting exclusively of any such securities, notwithstanding 7716
division (A)(4) of that section. The income from such investments 7717
shall be credited to such funds as the issuing authority 7718
determines, and such investments may be sold at such times as the 7719
issuing authority determines or authorizes. 7720

(P) Provision may be made in the applicable bond proceedings 7721
for the establishment of separate accounts in the bond service 7722
fund and for the application of such accounts only to the 7723
specified bond service charges on obligations pertinent to such 7724
accounts and bond service fund and for other accounts therein 7725
within the general purposes of such fund. Unless otherwise 7726
provided in any applicable bond proceedings, moneys to the credit 7727
of or in the several special funds established pursuant to this 7728
section shall be disbursed on the order of the treasurer of state, 7729
provided that no such order is required for the payment from the 7730
bond service fund when due of bond service charges on obligations. 7731

(Q) The issuing authority may pledge all, or such portion as 7732
the issuing authority determines, of the pledged receipts to the 7733
payment of bond service charges on obligations issued under this 7734
section, and for the establishment and maintenance of any 7735
reserves, as provided in the bond proceedings, and make other 7736
provisions therein with respect to pledged receipts as authorized 7737
by this chapter, which provisions are controlling notwithstanding 7738
any other provisions of law pertaining thereto. 7739

(R) The issuing authority may covenant in the bond 7740
proceedings, and any such covenants are controlling 7741
notwithstanding any other provision of law, that the state and 7742
applicable officers and governmental agencies of the state, 7743
including the general assembly, so long as any obligations are 7744
outstanding, shall: 7745

(1) Maintain statutory authority for and cause to be charged 7746

and collected wholesale and retail prices for spirituous liquor 7747
sold by the state or its agents so that the pledged receipts are 7748
sufficient in amount to meet bond service charges, and the 7749
establishment and maintenance of any reserves and other 7750
requirements provided for in the bond proceedings, and, as 7751
necessary, to meet covenants contained in contracts of guarantee 7752
made under section 166.06 of the Revised Code; 7753

(2) Take or permit no action, by statute or otherwise, that 7754
would impair the exemption from federal income taxation of the 7755
interest on the obligations. 7756

(S) There is hereby created the economic development bond 7757
service fund, which shall be in the custody of the treasurer of 7758
state but shall be separate and apart from and not a part of the 7759
state treasury. All moneys received by or on account of the 7760
issuing authority or state agencies and required by the applicable 7761
bond proceedings, consistent with this section, to be deposited, 7762
transferred, or credited to a bond service fund or the economic 7763
development bond service fund, and all other moneys transferred or 7764
allocated to or received for the purposes of the fund, shall be 7765
deposited and credited to such fund and to any separate accounts 7766
therein, subject to applicable provisions of the bond proceedings, 7767
but without necessity for any act of appropriation. During the 7768
period beginning with the date of the first issuance of 7769
obligations and continuing during such time as any such 7770
obligations are outstanding, and so long as moneys in the 7771
pertinent bond service funds are insufficient to pay all bond 7772
services charges on such obligations becoming due in each year, a 7773
sufficient amount of the gross profit on the sale of spirituous 7774
liquor included in pledged receipts are committed and shall be 7775
paid to the bond service fund or economic development bond service 7776
fund in each year for the purpose of paying the bond service 7777
charges becoming due in that year without necessity for further 7778

act of appropriation for such purpose and notwithstanding anything 7779
to the contrary in Chapter 4301. of the Revised Code. The economic 7780
development bond service fund is a trust fund and is hereby 7781
pledged to the payment of bond service charges to the extent 7782
provided in the applicable bond proceedings, and payment thereof 7783
from such fund shall be made or provided for by the treasurer of 7784
state in accordance with such bond proceedings without necessity 7785
for any act of appropriation. 7786

(T) The obligations, the transfer thereof, and the income 7787
therefrom, including any profit made on the sale thereof, shall at 7788
all times be free from taxation within the state. 7789

Sec. 173.04. (A) As used in this section, "respite care" 7790
means short-term, temporary care or supervision provided to a 7791
person who has Alzheimer's disease in the absence of the person 7792
who normally provides that care or supervision. 7793

(B) The director of aging ~~shall develop and disseminate new~~ 7794
~~training materials or disseminate existing~~ may provide for the 7795
development and dissemination of Alzheimer's disease training 7796
materials for licensed physicians, registered nurses, licensed 7797
practical nurses, administrators of health care programs, social 7798
workers, and other health care and social service personnel who 7799
participate or assist in the care or treatment of persons who have 7800
Alzheimer's disease. 7801

(C) To the extent funds are available, the director shall 7802
administer respite care programs and other supportive services for 7803
persons who have Alzheimer's disease and their families or care 7804
givers. Respite care programs shall be approved by the director 7805
and shall be provided for the following purposes: 7806

(1) Giving persons who normally provide care or supervision 7807
for a person who has Alzheimer's disease relief from the stresses 7808
and responsibilities that result from providing such care; 7809

(2) Preventing or reducing inappropriate institutional care 7810
and enabling persons who have Alzheimer's disease to remain at 7811
home as long as possible. 7812

(D) The director may provide services under this section to 7813
persons with Alzheimer's disease and their families regardless of 7814
the age of the persons with Alzheimer's disease. 7815

(E) The director shall adopt rules in accordance with Chapter 7816
119. of the Revised Code governing respite care programs and other 7817
supportive services, the distribution of funds, and the purpose 7818
for which funds may be utilized under this section. 7819

~~(F) The director may create an Alzheimer's disease task force 7820
to advise the director on the rights of persons with Alzheimer's 7821
disease and on the development and evaluation of education and 7822
training programs, home care programs, respite care programs, and 7823
long term care initiatives as they relate to Alzheimer's disease. 7824
If a task force is created, the members shall include 7825
representatives of the Alzheimer's disease association and other 7826
organizations the director considers appropriate. 7827~~

Sec. 173.35. (A) As used in this section, "PASSPORT 7828
administrative agency" means an entity under contract with the 7829
department of aging to provide administrative services regarding 7830
the PASSPORT program created under section 173.40 of the Revised 7831
Code. 7832

(B) The department of aging shall administer the residential 7833
state supplement program under which the state supplements the 7834
supplemental security income payments received by aged, blind, or 7835
disabled adults under Title XVI of the "Social Security Act," 49 7836
Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state 7837
supplement payments shall be used for the provision of 7838
accommodations, supervision, and personal care services to 7839
supplemental security income recipients who the department 7840

determines are at risk of needing institutional care. 7841

(C) For an individual to be eligible for residential state 7842
supplement payments, all of the following must be the case: 7843

(1) Except as provided by division (G) of this section, the 7844
individual must reside in one of the following: 7845

(a) An adult foster home certified under section 173.36 of 7846
the Revised Code; 7847

(b) A home or facility, other than a nursing home or nursing 7848
home unit of a home for the aging, licensed by the department of 7849
health under Chapter 3721. or 3722. of the Revised Code and 7850
certified in accordance with standards established by the director 7851
of aging under division (D)(2) of this section; 7852

(c) A community alternative home licensed under section 7853
3724.03 of the Revised Code and certified in accordance with 7854
standards established by the director of aging under division 7855
(D)(2) of this section; 7856

(d) A residential facility as defined in division 7857
(A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by 7858
the department of mental health and certified in accordance with 7859
standards established by the director of aging under division 7860
(D)(2) of this section; 7861

(e) An apartment or room used to provide community mental 7862
health housing services certified by the department of mental 7863
health under section 5119.611 of the Revised Code and approved by 7864
a board of alcohol, drug addiction, and mental health services 7865
under division (A)(14) of section 340.03 of the Revised Code and 7866
certified in accordance with standards established by the director 7867
of aging under division (D)(2) of this section. 7868

(2) Effective July 1, 2000, a PASSPORT administrative agency 7869
must have determined that the environment in which the individual 7870

will be living while receiving the payments is appropriate for the 7871
individual's needs. If the individual is eligible for supplemental 7872
security income payments or social security disability insurance 7873
benefits because of a mental disability, the PASSPORT 7874
administrative agency shall refer the individual to a community 7875
mental health agency for the community mental health agency to 7876
issue in accordance with section 340.091 of the Revised Code a 7877
recommendation on whether the PASSPORT administrative agency 7878
should determine that the environment in which the individual will 7879
be living while receiving the payments is appropriate for the 7880
individual's needs. Division (C)(2) of this section does not apply 7881
to an individual receiving residential state supplement payments 7882
on June 30, 2000, until the individual's first eligibility 7883
redetermination after that date. 7884

(3) The individual satisfies all eligibility requirements 7885
established by rules adopted under division (D) of this section. 7886

(D)(1) The directors of aging and job and family services 7887
shall adopt rules in accordance with section 111.15 of the Revised 7888
Code as necessary to implement the residential state supplement 7889
program. 7890

To the extent permitted by Title XVI of the "Social Security 7891
Act," and any other provision of federal law, the director of job 7892
and family services shall adopt rules establishing standards for 7893
adjusting the eligibility requirements concerning the level of 7894
impairment a person must have so that the amount appropriated for 7895
the program by the general assembly is adequate for the number of 7896
eligible individuals. The rules shall not limit the eligibility of 7897
disabled persons solely on a basis classifying disabilities as 7898
physical or mental. The director of job and family services also 7899
shall adopt rules that establish eligibility standards for aged, 7900
blind, or disabled individuals who reside in one of the homes or 7901
facilities specified in division (C)(1) of this section but who, 7902

because of their income, do not receive supplemental security 7903
income payments. The rules may provide that these individuals may 7904
include individuals who receive other types of benefits, 7905
including, social security disability insurance benefits provided 7906
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 7907
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this 7908
section, such payments may be made if funds are available for 7909
them. 7910

The director of aging shall adopt rules establishing the 7911
method to be used to determine the amount an eligible individual 7912
will receive under the program. The amount the general assembly 7913
appropriates for the program shall be a factor included in the 7914
method that department establishes. 7915

(2) The director of aging shall adopt rules in accordance 7916
with Chapter 119. of the Revised Code establishing standards for 7917
certification of living facilities described in division (C)(1) of 7918
this section. 7919

The directors of aging and mental health shall enter into an 7920
agreement to certify facilities that apply for certification and 7921
meet the standards established by the director of aging under this 7922
division. 7923

(E) The county department of job and family services of the 7924
county in which an applicant for the residential state supplement 7925
program resides shall determine whether the applicant meets income 7926
and resource requirements for the program. 7927

(F) The department of aging shall maintain a waiting list of 7928
any individuals eligible for payments under this section but not 7929
receiving them because moneys appropriated to the department for 7930
the purposes of this section are insufficient to make payments to 7931
all eligible individuals. An individual may apply to be placed on 7932
the waiting list even though the individual does not reside in one 7933

of the homes or facilities specified in division (C)(1) of this 7934
section at the time of application. The Individuals on the waiting 7935
list who reside in a community setting not required to be licensed 7936
or certified shall have their eligibility for the payments 7937
assessed before other individuals on the waiting list. 7938

The director of aging, by rules adopted in accordance with 7939
Chapter 119. of the Revised Code, shall specify procedures and 7940
requirements for placing an individual on the waiting list. 7941
~~Individuals on the waiting list who reside in a community setting~~ 7942
~~not required to be licensed or certified shall have their~~ 7943
~~eligibility for the payments assessed before other individuals on~~ 7944
~~the waiting list.~~ 7945

The director may adopt rules giving priority to individuals 7946
placed on the waiting list on or after July 1, 2006, who receive 7947
supplemental security income benefits under Title XVI of the 7948
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 7949
amended. The rules shall not affect the place on the waiting list 7950
of any person who was on the list on July 1, 2006. 7951

(G) An individual in a licensed or certified living 7952
arrangement receiving state supplementation on November 15, 1990, 7953
under former section 5101.531 of the Revised Code shall not become 7954
ineligible for payments under this section solely by reason of the 7955
individual's living arrangement as long as the individual remains 7956
in the living arrangement in which the individual resided on 7957
November 15, 1990. 7958

(H) The department of aging shall notify each person denied 7959
approval for payments under this section of the person's right to 7960
a hearing. On request, the hearing shall be provided by the 7961
department of job and family services in accordance with section 7962
5101.35 of the Revised Code. 7963

Sec. 173.85. (A) The Ohio's best Rx program fund is hereby 7964

created. ~~The fund shall be in the custody of the treasurer of~~ 7965
~~state, but shall not be part of the state treasury.~~ The fund shall 7966
consist of the following: 7967

(1) Manufacturer payments made by participating manufacturers 7968
pursuant to agreements entered into under section 173.81 of the 7969
Revised Code; 7970

(2) Administrative fees, if an administrative fee is 7971
determined by the department of aging in rules adopted under 7972
section 173.83 of the Revised Code; 7973

(3) Any amounts donated to the fund and accepted by the 7974
department; 7975

(4) The fund's investment earnings. 7976

(B) Money in the Ohio's best Rx program fund shall be used to 7977
make payments under section 173.801 of the Revised Code and to 7978
make transfers to the Ohio's best Rx administration fund in 7979
accordance with section 173.86 of the Revised Code. 7980

Sec. 173.86. (A) The Ohio's best Rx administration fund is 7981
hereby created in the state treasury. The ~~treasurer of state~~ 7982
director of budget and management shall transfer from the Ohio's 7983
best Rx program fund to the Ohio's best Rx administration fund 7984
amounts equal to the following: 7985

(1) Amounts resulting from application of the program 7986
administration percentage, if a program administration percentage 7987
is determined by the department of aging in rules adopted under 7988
section 173.83 of the Revised Code; 7989

(2) The amount of the administrative fees charged Ohio's best 7990
Rx participants, if an administrative fee is determined by the 7991
department of aging in rules adopted under section 173.83 of the 7992
Revised Code; 7993

(3) The amount of any donations credited to the Ohio's best Rx program fund; 7994
7995

(4) The amount of investment earnings credited to the Ohio's best Rx program fund. 7996
7997

The ~~treasurer of state~~ director of budget and management shall make the transfers in accordance with a schedule developed by the ~~treasurer of state~~ director and the department of aging. 7998
7999
8000

(B) The department of aging shall use money in the Ohio's best Rx administration fund to pay the administrative costs of the Ohio's best Rx program, including, but not limited to, costs associated with contracted services, staff, outreach activities, computers and network services, and the Ohio's best Rx program council. If the fund includes an amount that exceeds the amount necessary to pay the administrative costs of the program, the department may use the excess amount to pay the cost of subsidies provided to Ohio's best Rx program participants under any subsidy program established pursuant to section 173.861 of the Revised Code. 8001
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Sec. 176.05. (A)(1) Notwithstanding any provision of law to the contrary, the rate of wages payable for the various occupations covered by sections 4115.03 to 4115.16 of the Revised Code to persons employed on a project who are not any of the following shall be determined according to this section: 8012
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8014
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8016

(a) Qualified volunteers; 8017

(b) ~~Persons required to participate in~~ Work-eligible individuals assigned to a work participation activity, developmental activity, or alternative work activity under ~~sections 5107.40 to 5107.69~~ section 5107.42 of the Revised Code except those engaged in paid employment or subsidized employment pursuant to the activity; 8018
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(c) Food stamp benefit recipients required to participate in 8024
employment and training activities established by rules adopted 8025
under section 5101.54 of the Revised Code. 8026

An association representing the general contractors or 8027
subcontractors that engage in the business of residential 8028
construction in a certain locality shall negotiate with the 8029
applicable building and construction trades council in that 8030
locality an agreement or understanding that sets forth the 8031
residential prevailing rate of wages, payable on projects in that 8032
locality, for each of the occupations employed on those projects. 8033

(2) Notwithstanding any residential prevailing rate of wages 8034
established prior to July 1, 1995, if, by October 1, 1995, the 8035
parties are unable to agree under division (A)(1) of this section 8036
as to the rate of wages payable for each occupation covered by 8037
sections 4115.03 to 4115.16 of the Revised Code, the director of 8038
commerce shall establish the rate of wages payable for each 8039
occupation. 8040

(3) The residential prevailing rate of wages established 8041
under division (A)(1) or (2) of this section shall not be equal to 8042
or greater than the prevailing rate of wages determined by the 8043
director pursuant to sections 4115.03 to 4115.16 of the Revised 8044
Code for any of the occupations covered by those sections. 8045

(B) Except for the prevailing rate of wages determined by the 8046
director pursuant to sections 4115.03 to 4115.16 of the Revised 8047
Code, those sections and section 4115.99 of the Revised Code apply 8048
to projects. 8049

(C) The residential prevailing rate of wages established 8050
under division (A) of this section is not payable to any 8051
individual or member of that individual's family who provides 8052
labor in exchange for acquisition of the property for 8053
homeownership or who provides labor in place of or as a supplement 8054

to any rental payments for the property. 8055

(D) For the purposes of this section: 8056

(1) "Project" means any construction, rehabilitation, 8057
remodeling, or improvement of residential housing, whether on a 8058
single or multiple site for which a person, as defined in section 8059
1.59 of the Revised Code, or municipal corporation, county, or 8060
township receives financing, that is financed in whole or in part 8061
from state moneys or pursuant to this chapter, section 133.51 or 8062
307.698 of the Revised Code, or Chapter 174. or 175. of the 8063
Revised Code, except for any of the following: 8064

(a) The single-family mortgage revenue bonds homeownership 8065
program under Chapter 175. of the Revised Code, including 8066
owner-occupied dwellings of one to four units; 8067

(b) Projects consisting of fewer than six units developed by 8068
any entity that is not a nonprofit organization exempt from 8069
federal income tax under section 501(c)(3) of the Internal Revenue 8070
Code; 8071

(c) Projects of fewer than twenty-five units developed by any 8072
nonprofit organization that is exempt from federal income tax 8073
under section 501(c)(3) of the Internal Revenue Code; 8074

(d) Programs undertaken by any municipal corporation, county, 8075
or township, including lease-purchase programs, using mortgage 8076
revenue bond financing; 8077

(e) Any individual project, that is sponsored or developed by 8078
a nonprofit organization that is exempt from federal income tax 8079
under section 501(c)(3) of the Internal Revenue Code, for which 8080
the federal government or any of its agencies furnishes by loan, 8081
grant, low-income housing tax credit, or insurance more than 8082
twelve per cent of the costs of the project. For purposes of 8083
division (D)(2)(e) of this section, the value of the low-income 8084
housing tax credits shall be calculated as the proceeds from the 8085

sale of the tax credits, less the costs of the sale. 8086

As used in division (D)(1)(e) of this section, "sponsored" 8087
means that a general partner of a limited partnership owning the 8088
project or a managing member of a limited liability company owning 8089
the project is either a nonprofit organization that is exempt from 8090
federal income tax under section 501(c)(3) of the Internal Revenue 8091
Code or a person, as defined in section 1.59 of the Revised Code, 8092
or a limited liability company in which such a nonprofit 8093
organization maintains controlling interest. For purposes of this 8094
division, a general partner of a limited partnership that is a 8095
nonprofit organization described under this division is not 8096
required to be the sole general partner in the limited 8097
partnership, and a managing member of a limited liability company 8098
that is a nonprofit organization described under this division is 8099
not required to be the sole managing member in the limited 8100
liability company. 8101

Nothing in division (D)(1)(e) of this section shall be 8102
construed as permitting unrelated projects to be combined for the 8103
sole purpose of determining the total percentage of project costs 8104
furnished by the federal government or any of its agencies. 8105

(2) A "project" is a "public improvement" and the state or a 8106
political subdivision that undertakes or participates in the 8107
financing of a project is a "public authority," as both of the 8108
last two terms are defined in section 4115.03 of the Revised Code. 8109

(3) "Qualified volunteers" are volunteers who are working 8110
without compensation for a nonprofit organization that is exempt 8111
from federal income tax under section 501(c)(3) of the Internal 8112
Revenue Code, and that is providing housing or housing assistance 8113
only to families and individuals in a county whose incomes are not 8114
greater than one hundred forty per cent of the median income of 8115
that county as determined under section 174.04 of the Revised 8116
Code. 8117

Sec. 183.01. As used in this chapter: 8118

(A) "Tobacco master settlement agreement" means the 8119
settlement agreement (and related documents) entered into on 8120
November 23, 1998 by the state and leading United States tobacco 8121
product manufacturers. 8122

~~(B) "Net amounts credited to the tobacco master settlement 8123
agreement fund" means all amounts credited to the tobacco master 8124
settlement agreement fund during a fiscal year, minus all amounts 8125
required to be transferred under section 183.02 of the Revised 8126
Code to the education facilities trust fund, the education 8127
facilities endowment fund, and the income tax reduction fund 8128
during the fiscal year. In addition, in fiscal year 2000, "net 8129
amounts credited to the tobacco master settlement agreement fund" 8130
does not include amounts credited to the tobacco use prevention 8131
and cessation trust fund, law enforcement improvements trust fund, 8132
and southern Ohio agricultural and community development trust 8133
fund from the first payment received that year. 8134~~

~~(C) "Southern Ohio" includes any county in this state where 8135
tobacco has traditionally been grown. 8136~~

Sec. 183.021. (A) No money from the tobacco master settlement 8137
agreement fund, as that fund existed prior to the repeal of 8138
section 183.02 of the Revised Code by of the 127th General 8139
Assembly, shall be expended to do any of the following: 8140

(1) Hire an executive agency lobbyist, as defined under 8141
section 121.60 of the Revised Code, or a legislative agent, as 8142
defined under section 101.70 of the Revised Code; 8143

(2) Support or oppose candidates, ballot questions, 8144
referendums, or ballot initiatives. 8145

(B) Nothing in this section prohibits any of the following 8146
from advocating on behalf of the specific objectives of a program 8147

funded under this chapter:	8148
(1) The members of the board of trustees, executive director, or employees of the tobacco use prevention and control foundation;	8149 8150
(2) The members of the board of trustees, executive director, or employees of the southern Ohio agricultural and community development foundation;	8151 8152 8153
(3) The members or employees of the third frontier commission or the members of the third frontier advisory board.	8154 8155
Sec. 183.17. The fiscal year of the southern Ohio agricultural and community development foundation shall be the same as the fiscal year of the state.	8156 8157 8158
Within ninety days after the end of each fiscal year, the foundation shall submit to the governor and the general assembly both of the following:	8159 8160 8161
(A) A report of the activities of the foundation during the preceding fiscal year. The report shall also contain an independent evaluation of the progress being made by the foundation in carrying out its duties.	8162 8163 8164 8165
(B) A financial report of the foundation for the preceding year, which shall include both:	8166 8167
(1) Information on the amount and percentage of overhead and administrative expenditures compared to programmatic expenditures;	8168 8169
(2) An independent auditor's report on the basic financial statements and required supplementary information of the foundation. Such financial statements shall be prepared in conformity with generally accepted accounting principles prescribed for governmental entities.	8170 8171 8172 8173 8174
On or before July 1, 2010, the foundation shall report to the governor and the general assembly on the progress that the	8175 8176

foundation has made in replacing the production of tobacco in 8177
southern Ohio with the production of other agricultural products 8178
and in mitigating the adverse economic impact of reduced tobacco 8179
production in the region. ~~If the foundation concludes that a need 8180
for additional funding still exists, the foundation may request 8181
that provision be made for a portion of the payments credited to 8182
the tobacco master settlement agreement fund to continue to be 8183
transferred to the southern Ohio agricultural and community 8184
development trust fund.~~ 8185

Sec. 183.33. No money shall be appropriated or transferred 8186
from the general revenue fund to the ~~tobacco master settlement 8187
agreement fund,~~ tobacco use prevention and cessation trust fund, 8188
tobacco use prevention and control endowment fund, law enforcement 8189
improvements trust fund, southern Ohio agricultural and community 8190
development trust fund, southern Ohio agricultural and community 8191
development foundation endowment fund, Ohio's public health 8192
priorities trust fund, biomedical research and technology transfer 8193
trust fund, education facilities trust fund, ~~education facilities 8194
endowment fund,~~ or education technology trust fund. In addition, 8195
no money shall be otherwise appropriated or transferred from the 8196
general revenue fund for the use of the tobacco use prevention and 8197
control foundation ~~or the southern Ohio agricultural and community 8198
development foundation.~~ 8199

Sec. 183.34. There is hereby created in the state treasury 8200
the tobacco settlement oversight, administration, and enforcement 8201
fund, ~~to~~ which shall ~~be credited~~ consist of amounts transferred 8202
under division (I) of section 183.02 of the Revised Code prior to 8203
the repeal of that section by of the 127th general assembly. 8204
The attorney general shall use the fund to pay costs incurred in 8205
the oversight, administration, and enforcement of the tobacco 8206
master settlement agreement. 8207

Sec. 183.35. There is hereby created in the state treasury 8208
the tobacco settlement enforcement fund, ~~to~~ which shall be 8209
~~credited~~ consist of amounts transferred under division (J) of 8210
section 183.02 of the Revised Code prior to the repeal of that 8211
section by of the 127th general assembly. The tax 8212
commissioner shall use the fund to pay costs incurred in the 8213
enforcement of divisions (F) and (G) of section 5743.03 of the 8214
Revised Code. 8215

Sec. 183.51. (A) As used in this section and in the 8216
applicable bond proceedings unless otherwise provided: 8217

(1) "Bond proceedings" means the resolutions, orders, 8218
indentures, purchase and sale and trust and other agreements 8219
including any amendments or supplements to them, and credit 8220
enhancement facilities, and amendments and supplements to them, or 8221
any one or more or combination of them, authorizing, awarding, or 8222
providing for the terms and conditions applicable to or providing 8223
for the security or liquidity of, the particular obligations, and 8224
the provisions contained in those obligations. 8225

(2) "Bond service fund" means the bond service fund created 8226
in the bond proceedings for the obligations. 8227

(3) "Capital facilities" means, as applicable, capital 8228
facilities or projects as referred to in sections 151.03, 151.04, 8229
152.09, 152.33, 154.20, or 154.22 of the Revised Code. 8230

(4) "Cost of capital facilities" has the same meaning as in 8231
section 151.01, 152.09, or 154.01 of the Revised Code, as 8232
applicable. 8233

(5) "Credit enhancement facilities," "financing costs," and 8234
"interest" or "interest equivalent" have the same meanings as in 8235
section 133.01 of the Revised Code. 8236

(6) "Debt service" means principal, including any mandatory 8237

sinking fund or redemption requirements for retirement of 8238
obligations, interest and other accreted amounts, interest 8239
equivalent, and any redemption premium, payable on obligations. If 8240
not prohibited by the applicable bond proceedings, "debt service" 8241
may include costs relating to credit enhancement facilities that 8242
are related to and represent, or are intended to provide a source 8243
of payment of or limitation on, other debt service. 8244

(7) "Improvement fund" means, as applicable, the school 8245
building program assistance fund created in section 3318.25 of the 8246
Revised Code, the higher education improvement fund created in 8247
section 154.21 of the Revised Code, the mental health facilities 8248
improvement fund created in section 154.20 of the Revised Code, 8249
the parks and recreation improvement fund created in section 8250
154.22 of the Revised Code, the administrative building fund 8251
created in section 123.10 of the Revised Code, and the adult 8252
correctional building fund referred to in section 5120.105 of the 8253
Revised Code. 8254

(8) "Issuing authority" means the Ohio tobacco settlement 8255
financing authority created in section 183.52 of the Revised Code. 8256

(9) "Net proceeds" means amounts received from the sale of 8257
obligations, excluding amounts used to refund or retire 8258
outstanding obligations, amounts required to be deposited into 8259
special funds pursuant to the applicable bond proceedings, and 8260
amounts to be used to pay financing costs. 8261

(10) "Obligations" means bonds, notes, or other evidences of 8262
obligation of the issuing authority, including any appertaining 8263
interest coupons, issued by the issuing authority under this 8264
section and Section 2i of Article VIII, Ohio Constitution, for the 8265
purpose of providing funds to the state, in exchange for the 8266
assignment and sale described in division (B) of this section, for 8267
the purpose of paying costs of capital facilities for: (a) housing 8268
branches and agencies of state government, including but not 8269

limited to facilities for housing state agencies, for a system of 8270
common schools throughout the state, and for use as state 8271
correctional facilities or county, multicounty, municipal-county, 8272
and multicounty-municipal jail facilities or workhouses; (b) 8273
state-supported or state-assisted institutions of higher 8274
education; (c) mental hygiene and retardation; and (d) parks and 8275
recreation. 8276

(11) "Pledged receipts" means, as and to the extent provided 8277
for in the applicable bond proceedings: 8278

(a) Pledged tobacco settlement receipts; 8279

(b) Accrued interest received from the sale of obligations; 8280

(c) Income from the investment of the special funds; 8281

(d) Additional or any other specific revenues or receipts 8282
lawfully available to be pledged, and pledged, pursuant to the 8283
bond proceedings, including but not limited to amounts received 8284
under credit enhancement facilities, to the payment of debt 8285
service. 8286

(12) "Pledged tobacco settlement receipts" means all amounts 8287
received by the issuing authority pursuant to division (B) of this 8288
section. 8289

(13) "Principal amount" means the aggregate of the amount as 8290
stated or provided for in the applicable bond proceedings as the 8291
amount on which interest or interest equivalent on particular 8292
obligations is initially calculated. "Principal amount" does not 8293
include any premium paid to the issuing authority by the initial 8294
purchaser of the obligations. "Principal amount" of a capital 8295
appreciation bond, as defined in division (C) of section 3334.01 8296
of the Revised Code, means its original face amount and not its 8297
accrued value, and "principal amount" of a zero coupon bond, as 8298
defined in division (J) of section 3334.01 of the Revised Code, 8299
means the discounted offering price at which the bond is initially 8300

sold to the public, disregarding any purchase price discount to 8301
the original purchaser, if provided in or for pursuant to the bond 8302
proceedings. 8303

(14) "Special funds" or "funds," unless the context indicates 8304
otherwise, means the bond service fund, and any other funds, 8305
including any reserve funds, created under the bond proceedings 8306
and stated to be special funds in those proceedings, including 8307
moneys and investments, and earnings from investments, credited 8308
and to be credited to the particular fund. "Special funds" does 8309
not include any improvement fund or investment earnings on amounts 8310
in any improvement fund, or other funds created by the bond 8311
proceedings that are not stated by those proceedings to be special 8312
funds. 8313

(B) The state may assign and sell to the issuing authority, 8314
and the issuing authority may accept and purchase, all or a 8315
portion of the amounts to be received by the state under the 8316
tobacco master settlement agreement for a purchase price payable 8317
by the issuing authority to the state consisting of the net 8318
proceeds of obligations and any residual interest, if any. Any 8319
such assignment and sale shall be irrevocable in accordance with 8320
its terms during the period any obligations secured by amounts so 8321
assigned and sold are outstanding under the applicable bond 8322
proceedings, and shall constitute a contractual obligation to the 8323
holders or owners of those obligations. Any such assignment and 8324
sale shall also be treated as an absolute transfer and true sale 8325
for all purposes, and not as a pledge or other security interest. 8326
The characterization of any such assignment and sale as a true 8327
sale and absolute transfer shall not be negated or adversely 8328
affected by only a portion of the amounts to be received under the 8329
tobacco master settlement agreement being transferred, the 8330
acquisition or retention by the state of a residual interest, the 8331
participation of any state officer or employee as a member or 8332

officer of, or providing staff support to, the issuing authority, 8333
any responsibility of an officer or employee of the state for 8334
collecting the amounts to be received under the tobacco master 8335
settlement agreement or otherwise enforcing that agreement or 8336
retaining any legal title to or interest in any portion of the 8337
amounts to be received under that agreement for the purpose of 8338
these collection activities, any characterization of the issuing 8339
authority or its obligations for purposes of accounting, taxation, 8340
or securities regulation, or by any other factors whatsoever. A 8341
true sale shall exist under this section regardless of whether the 8342
issuing authority has any recourse against the state or any other 8343
term of the bond proceedings or the treatment or characterization 8344
of the transfer as a financing for any purpose. Upon and following 8345
the assignment and sale, the state shall not have any right, 8346
title, or interest in the portion of the receipts under the 8347
tobacco master settlement agreement so assigned and sold, other 8348
than any residual interest that may be described in the applicable 8349
bond proceedings for those obligations, and that portion, if any, 8350
shall be the property of the issuing authority and not of the 8351
state, and shall be paid directly to the issuing authority, and 8352
shall be owned, received, held, and disbursed by the issuing 8353
authority and not by the state, and the state shall: (1) not agree 8354
to any amendment of the tobacco master settlement agreement that 8355
materially and adversely affects the issuing authority's ability 8356
to receive the portion of the receipts under the tobacco master 8357
settlement agreement assigned and sold to the issuing authority, 8358
(2) enforce by the attorney general in the manner and as otherwise 8359
set forth in any bond proceedings the rights of the issuing 8360
authority to receive the receipts under the tobacco master 8361
settlement agreement assigned and sold to the issuing authority to 8362
the full extent permitted by the tobacco master settlement 8363
agreement, (3) not limit or alter the rights of the issuing 8364
authority to fulfill the terms of its agreements with the holders 8365

or owners of obligations outstanding under the bond proceedings, 8366
(4) not in any way impair the rights and remedies of the holders 8367
or owners of obligations outstanding under the bond proceedings or 8368
the security for those obligations; provided, that nothing in this 8369
section shall be construed to preclude the state from regulating 8370
or permitting the regulation of smoking or from taxing and 8371
regulating the sale of cigarettes or other tobacco products; and 8372
(5) not fail to enforce Chapter 1346. of the Revised Code. Nothing 8373
in this section shall be construed as in any way modifying or 8374
limiting the responsibility and power of the attorney general to 8375
administer, protect, and discharge all duties, rights, and 8376
obligations of the state under the tobacco master settlement 8377
agreement or Chapter 1346. of the Revised Code. 8378

The governor and the director of budget and management, in 8379
consultation with the attorney general, on behalf of the state, 8380
and any member or officer of the issuing authority as authorized 8381
by that issuing authority, on behalf of the issuing authority, may 8382
take any action and execute any documents, including any purchase 8383
and sale agreements, necessary to effect the assignment and sale 8384
and the acceptance of the assignment and title to the receipts 8385
including, providing irrevocable direction to the escrow agent 8386
acting under the tobacco master settlement agreement to transfer 8387
directly to the issuing authority the amounts to be received under 8388
that agreement that are subject to such assignment and sale. Any 8389
purchase and sale agreement or other bond proceedings may contain 8390
the terms and conditions established by the state and the issuing 8391
authority to carry out and effectuate the purposes of this 8392
section, including, without limitation, covenants binding the 8393
state in favor of the issuing authority and its assignees and the 8394
owners of the obligations. Any such purchase and sale agreement 8395
shall be sufficient to effectuate such purchase and sale without 8396
regard to any other laws governing other property sales or 8397
financial transactions by the state. 8398

Not later than two years following the date on which there 8399
are no longer any obligations outstanding under the bond 8400
proceedings, all assets of the issuing authority shall vest in the 8401
state, the issuing authority shall execute any necessary 8402
assignments or instruments, including any assignment of any right, 8403
title, or ownership to the state for receipt of amounts under the 8404
tobacco master settlement agreement, and the issuing authority 8405
shall be dissolved. 8406

(C) The issuing authority is authorized to issue and to sell 8407
obligations as provided in this section. The aggregate principal 8408
amount of obligations issued under this section shall not exceed 8409
six billion dollars, exclusive of obligations issued under 8410
divisions (N)(1) of this section to refund, renew, or advance 8411
refund other obligations issued or incurred. At least seventy-five 8412
per cent of the aggregate net proceeds of the obligations issued 8413
under the authority of this section, exclusive of obligations 8414
issued to refund, renew, or advance refund other obligations, 8415
shall be paid to the state for deposit into the school building 8416
program assistance fund created in section 3318.25 of the Revised 8417
Code. 8418

(D) Each issue of obligations shall be authorized by 8419
resolution or order of the issuing authority. The bond proceedings 8420
shall provide for or authorize the manner for determining the 8421
principal amount or maximum principal amount of obligations of an 8422
issue, the principal maturity or maturities, the interest rate or 8423
rates, the date of and the dates of payment of interest on the 8424
obligations, their denominations, and the place or places of 8425
payment of debt service which may be within or outside the state. 8426
Unless otherwise provided by law, the latest principal maturity 8427
may not be later than the earlier of the thirty-first day of 8428
December of the fiftieth calendar year after the year of issuance 8429
of the particular obligations or of the fiftieth calendar year 8430

after the year in which the original obligation to pay was issued 8431
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 8432
the Revised Code apply to the obligations. 8433

The purpose of the obligations may be stated in the bond 8434
proceedings in general terms, such as, as applicable, "paying 8435
costs of capital facilities for a system of common schools," 8436
"paying costs of facilities for state-supported and state-assisted 8437
institutions of higher education," "paying the cost of capital 8438
facilities for housing of branches and agencies of state 8439
government, including capital facilities for the purpose of 8440
housing personnel, equipment, or functions, or any combination 8441
thereof that the state agencies are responsible for housing," 8442
"paying costs of capital facilities for use as state correctional 8443
facilities or county, multicounty, municipal-county, and 8444
multicounty-municipal jail facilities or workhouses, or as single 8445
county or district community-based correctional facilities," 8446
"paying costs of capital facilities for mental hygiene and 8447
retardation," and "paying costs of capital facilities for parks 8448
and recreation." Unless otherwise provided in the bond 8449
proceedings, the net proceeds from the issuance of the obligations 8450
shall be paid to the state for deposit into the applicable 8451
improvement fund. Notwithstanding division (B)(4) of section 8452
3318.38 of the Revised Code, net proceeds of obligations deposited 8453
into the school building program assistance fund created in 8454
section 3318.25 of the Revised Code may be used to pay basic 8455
project costs under section 3318.38 of the Revised Code at the 8456
times determined by the Ohio school facilities commission without 8457
regard to whether those expenditures are in proportion to the 8458
state's and the school district's respective shares of that basic 8459
project cost. As used in the preceding sentence, "Ohio school 8460
facilities commission" and "basic project costs" have the same 8461
meanings as in section 3318.01 of the Revised Code. 8462

(E) The issuing authority may, without need for any other approval, appoint or provide for the appointment of paying agents, bond registrars, securities depositories, credit enhancement providers or counterparties, clearing corporations, and transfer agents, and retain or contract for the services of underwriters, investment bankers, financial advisers, accounting experts, marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the judgment of the issuing authority to carry out the issuing authority's functions under this section and section 183.52 of the Revised Code. The issuing authority also may without need for any other approval retain or contract for the services of attorneys and other professionals for that purpose. Financing costs are payable, as may be provided in the bond proceedings, from the proceeds of the obligations, from special funds, or from other moneys available for the purpose, including as to future financing costs, from the pledged receipts.

(F) The issuing authority may irrevocably pledge and assign all, or such portion as the issuing authority determines, of the pledged receipts to the payment of the debt 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 in the bond proceedings with respect to pledged receipts as authorized by this section, which provisions are controlling notwithstanding any other provisions of law pertaining to them. Any and all pledged receipts received by the issuing authority and required by the bond proceedings, consistent with this section, to be deposited, transferred, or credited to the bond service fund, and all other money transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund created in the bond proceedings for the obligations, subject to any applicable provisions of those bond proceedings, but

without necessity for any act of appropriation. Those pledged 8496
receipts shall immediately be subject to the lien of that pledge 8497
without any physical delivery thereof or further act, and shall 8498
not be subject to other court judgments. The lien of the pledge of 8499
those pledged receipts shall be valid and binding against all 8500
parties having claims of any kind against the issuing authority, 8501
irrespective of whether those parties have notice thereof. The 8502
pledge shall create a perfected security interest for all purposes 8503
of Chapter 1309. of the Revised Code and a perfected lien for 8504
purposes of any other interest, all without the necessity for 8505
separation or delivery of funds or for the filing or recording of 8506
the applicable bond proceedings by which that pledge is created or 8507
any certificate, statement, or other document with respect 8508
thereto. The pledge of the pledged receipts shall be effective and 8509
the money therefrom and thereof may be applied to the purposes for 8510
which pledged. 8511

(G) The issuing authority may covenant in the bond 8512
proceedings, and such covenants shall be controlling, and shall be 8513
binding upon the state if and when made, notwithstanding any other 8514
provision of law, that (1) the state and applicable officers and 8515
state agencies, including the general assembly, so long as any 8516
obligations issued under this section are outstanding, shall 8517
maintain statutory authority for, and cause to be collected and 8518
paid directly to the issuing authority or its assignee, the 8519
pledged receipts for the payment of debt service on obligations 8520
and for the establishment and maintenance of any reserves and 8521
other requirements provided for in the bond proceedings, (2) the 8522
state shall enforce by the attorney general, in the manner and as 8523
otherwise set forth in any bond proceedings, the provisions of the 8524
tobacco master settlement agreement that require payment of 8525
amounts to the state that have been assigned and sold to the 8526
issuing authority, and (3) the state shall not fail to enforce 8527
Chapter 1346. of the Revised Code. 8528

(H) Obligations may be further secured, as determined by the 8529
issuing authority, by an indenture or a trust agreement between 8530
the issuing authority and a corporate trustee, which may be any 8531
trust company or bank having a place of business within the state. 8532
Any indenture or trust agreement may contain the resolution or 8533
order authorizing the issuance of the obligations, any provisions 8534
that may be contained in any bond proceedings, and other 8535
provisions that are customary or appropriate in an agreement of 8536
that type, including, but not limited to: 8537

(1) Maintenance of each pledge, indenture, trust agreement, 8538
or other instrument comprising part of the bond proceedings until 8539
the issuing authority has fully paid or provided for the payment 8540
of debt service on the obligations secured by it; 8541

(2) In the event of default in any payments required to be 8542
made by the bond proceedings, enforcement of those payments or 8543
agreements by mandamus, the appointment of a receiver, suit in 8544
equity, action at law, or any combination of them; 8545

(3) The rights and remedies of the holders or owners of 8546
obligations and of the trustee and provisions for protecting and 8547
enforcing them, including limitations on rights of individual 8548
holders and owners. 8549

(I) The bond proceedings may contain additional provisions 8550
customary or appropriate to the financing or to the obligations or 8551
to particular obligations including, but not limited to, 8552
provisions for: 8553

(1) The redemption of obligations prior to maturity at the 8554
option of the issuing authority or of the holder or upon the 8555
occurrence of certain conditions, and at a particular price or 8556
prices and under particular terms and conditions; 8557

(2) The form of and other terms of the obligations; 8558

(3) The establishment, deposit, investment, and application 8559

of special funds, and the safeguarding of moneys on hand or on 8560
deposit, in lieu of the applicability of provisions of Chapter 8561
131. or 135. of the Revised Code, but subject to any special 8562
provisions of this section with respect to the application of 8563
particular funds or moneys. Any financial institution that acts as 8564
a depository of any moneys in special funds or other funds under 8565
the bond proceedings may furnish indemnifying bonds or pledge 8566
securities as required by the issuing authority. 8567

(4) Any or every provision of the bond proceedings being 8568
binding upon the issuing authority and upon such governmental 8569
agency or entity, officer, board, authority, agency, department, 8570
institution, district, or other person or body as may from time to 8571
time be authorized to take actions as may be necessary to perform 8572
all or any part of the duty required by the provision; 8573

(5) The maintenance of each pledge or instrument comprising 8574
part of the bond proceedings until the issuing authority has fully 8575
paid or provided for the payment of the debt service on the 8576
obligations or met other stated conditions; 8577

(6) In the event of default in any payments required to be 8578
made by the bond proceedings, or by any other agreement of the 8579
issuing authority made as part of a contract under which the 8580
obligations were issued or secured, including a credit enhancement 8581
facility, the enforcement of those payments by mandamus, a suit in 8582
equity, an action at law, or any combination of those remedial 8583
actions; 8584

(7) The rights and remedies of the holders or owners of 8585
obligations or of book-entry interests in them, and of third 8586
parties under any credit enhancement facility, and provisions for 8587
protecting and enforcing those rights and remedies, including 8588
limitations on rights of individual holders or owners; 8589

(8) The replacement of mutilated, destroyed, lost, or stolen 8590

obligations; 8591

(9) The funding, refunding, or advance refunding, or other 8592
provision for payment, of obligations that will then no longer be 8593
outstanding for purposes of this section or of the applicable bond 8594
proceedings; 8595

(10) Amendment of the bond proceedings; 8596

(11) Payment of the expenses of the enforcement activity of 8597
the attorney general and others referred to in division (G)(2) of 8598
this section from the amounts received by the state under the 8599
tobacco master settlement agreement assigned and sold to the 8600
issuing authority under division (B) of this section; 8601

(12) Any other or additional agreements with the owners of 8602
obligations, and such other provisions as the issuing authority 8603
determines, including limitations, conditions, or qualifications, 8604
relating to any of the foregoing or the activities of the issuing 8605
authority in connection therewith. 8606

The issuing authority shall not, and shall covenant in the 8607
bond proceedings that it shall not, be authorized to and shall not 8608
file a voluntary petition under the United States Bankruptcy Code, 8609
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 8610
similar bankruptcy proceeding under state law including, without 8611
limitation, consenting to the appointment of a receiver or trustee 8612
or making a general or specific assignment for the benefit of 8613
creditors, and neither any public officer or any organization, 8614
entity, or other person shall authorize the issuing authority to 8615
be or become a debtor under the United States Bankruptcy Code or 8616
take any of those actions under the United States Bankruptcy Code 8617
or state law. The state hereby covenants, and the issuing 8618
authority shall covenant, with the holders or owners of the 8619
obligations, that the state shall not permit the issuing authority 8620
to file a voluntary petition under the United States Bankruptcy 8621

Code or take any of those actions under the United States 8622
Bankruptcy Code or state law during the period obligations are 8623
outstanding and for any additional period for which the issuing 8624
authority covenants in the bond proceedings, which additional 8625
period may, but need not, be a period of three hundred sixty-seven 8626
days or more. 8627

(J) The obligations requiring execution by or for the issuing 8628
authority shall be signed as provided in the bond proceedings, and 8629
may bear the official seal of the issuing authority or a facsimile 8630
thereof. Any obligation may be signed by the individual who, on 8631
the date of execution, is the authorized signer even though, on 8632
the date of the obligations, that individual is not an authorized 8633
signer. In case the individual whose signature or facsimile 8634
signature appears on any obligation ceases to be an authorized 8635
signer before delivery of the obligation, that signature or 8636
facsimile is nevertheless valid and sufficient for all purposes as 8637
if that individual had remained the authorized signer until 8638
delivery. 8639

(K) Obligations are investment securities under Chapter 1308. 8640
of the Revised Code. Obligations may be issued in bearer or in 8641
registered form, registrable as to principal alone or as to both 8642
principal and interest, or both, or in certificated or 8643
uncertificated form, as the issuing authority determines. 8644
Provision may be made for the exchange, conversion, or transfer of 8645
obligations and for reasonable charges for registration, exchange, 8646
conversion, and transfer. Pending preparation of final 8647
obligations, the issuing authority may provide for the issuance of 8648
interim instruments to be exchanged for the final obligations. 8649

(L) Obligations may be sold at public sale or at private 8650
sale, in such manner, and at such price at, above, or below par, 8651
all as determined by and provided by the issuing authority in the 8652
bond proceedings. 8653

(M) Except to the extent that rights are restricted by the 8654
bond proceedings, any owner of obligations or provider of or 8655
counterparty to a credit enhancement facility may by any suitable 8656
form of legal proceedings protect and enforce any rights relating 8657
to obligations or that facility under the laws of this state or 8658
granted by the bond proceedings. Those rights include the right to 8659
compel the performance of all applicable duties of the issuing 8660
authority and the state. Each duty of the issuing authority and 8661
that issuing authority's officers, staff, and employees, and of 8662
each state entity or agency, or using district or using 8663
institution, and its officers, members, staff, or employees, 8664
undertaken pursuant to the bond proceedings, is hereby established 8665
as a duty of the entity or individual having authority to perform 8666
that duty, specifically enjoined by law and resulting from an 8667
office, trust, or station within the meaning of section 2731.01 of 8668
the Revised Code. The individuals who are from time to time the 8669
issuing authority, members or officers of the issuing authority, 8670
or those members' designees acting pursuant to section 183.52 of 8671
the Revised Code, or the issuing authority's officers, staff, or 8672
employees, are not liable in their personal capacities on any 8673
obligations or otherwise under the bond proceedings. 8674

(N)(1) Subject to any applicable limitations in division (C) 8675
of this section, the issuing authority may also authorize and 8676
provide for the issuance of: 8677

(a) Obligations in the form of bond anticipation notes, and 8678
may authorize and provide for the renewal of those notes from time 8679
to time by the issuance of new notes. The holders of notes or 8680
appertaining interest coupons have the right to have debt service 8681
on those notes paid solely from the moneys and special funds, and 8682
all or any portion of the pledged receipts, that are or may be 8683
pledged to that payment, including the proceeds of bonds or 8684
renewal notes or both, as the issuing authority provides in the 8685

bond proceedings authorizing the notes. Notes may be additionally 8686
secured by covenants of the issuing authority to the effect that 8687
the issuing authority will do all things necessary for the 8688
issuance of bonds or renewal notes in such principal amount and 8689
upon such terms as may be necessary to provide moneys to pay when 8690
due the debt service on the notes, and apply their proceeds to the 8691
extent necessary, to make full and timely payment of debt service 8692
on the notes as provided in the applicable bond proceedings. In 8693
the bond proceedings authorizing the issuance of bond anticipation 8694
notes the issuing authority shall set forth for the bonds 8695
anticipated an estimated schedule of annual principal payments the 8696
latest of which shall be no later than provided in division (D) of 8697
this section. While the notes are outstanding there shall be 8698
deposited, as shall be provided in the bond proceedings for those 8699
notes, from the sources authorized for payment of debt service on 8700
the bonds, amounts sufficient to pay the principal of the bonds 8701
anticipated as set forth in that estimated schedule during the 8702
time the notes are outstanding, which amounts shall be used solely 8703
to pay the principal of those notes or of the bonds anticipated. 8704

(b) Obligations for the refunding, including funding and 8705
retirement, and advance refunding, with or without payment or 8706
redemption prior to maturity, of any obligations previously issued 8707
under this section and any bonds or notes previously issued for 8708
the purpose of paying costs of capital facilities for: (i) 8709
state-supported or state-assisted institutions of higher education 8710
as authorized by sections 151.01 and 151.04 of the Revised Code, 8711
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution; 8712
(ii) housing branches and agencies of state government, including 8713
but not limited to facilities for housing state agencies as 8714
authorized by section 152.09 of the Revised Code, pursuant to 8715
Section 2i of Article VIII, Ohio Constitution, for a system of 8716
common schools throughout the state as authorized by sections 8717
151.01 and 151.03 of the Revised Code, pursuant to Sections 2i and 8718

2n of Article VIII, Ohio Constitution, and for use as state 8719
correctional facilities or county, multicounty, municipal-county, 8720
and multicounty-municipal jail facilities or workhouses as 8721
authorized by section 152.33 of the Revised Code, pursuant to 8722
Section 2i of Article VIII, Ohio Constitution; (iii) mental 8723
hygiene and retardation as authorized by sections 154.01 and 8724
154.20 of the Revised Code, pursuant to Section 2i of Article 8725
VIII, Ohio Constitution; and (iv) parks and recreation as 8726
authorized by sections 154.01 and 154.22 of the Revised Code, 8727
pursuant to Section 2i of Article VIII, Ohio Constitution. 8728
Refunding obligations may be issued in amounts sufficient to pay 8729
or to provide for repayment of the principal amount, including 8730
principal amounts maturing prior to the redemption of the 8731
remaining prior obligations or bonds or notes, any redemption 8732
premium, and interest accrued or to accrue to the maturity or 8733
redemption date or dates, payable on the prior obligations or 8734
bonds or notes, and related financing costs and any expenses 8735
incurred or to be incurred in connection with that issuance and 8736
refunding. Subject to the applicable bond proceedings, the portion 8737
of the proceeds of the sale of refunding obligations issued under 8738
division (N)(1)(b) of this section to be applied to debt service 8739
on the prior obligations or bonds or notes shall be credited to an 8740
appropriate separate account in the bond service fund and held in 8741
trust for the purpose by the issuing authority or by a corporate 8742
trustee, and may be invested as provided in the bond proceedings. 8743
Obligations authorized under this division shall be considered to 8744
be issued for those purposes for which the prior obligations or 8745
bonds or notes were issued. 8746

(2) The principal amount of refunding, advance refunding, or 8747
renewal obligations issued pursuant to division (N) of this 8748
section shall be in addition to the amount authorized in division 8749
(C) of this section. 8750

(O) Obligations are lawful investments for banks, savings and loan associations, credit union share guaranty corporations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of the state and political subdivisions and taxing districts of this state, notwithstanding any other provisions of the Revised Code or rules adopted pursuant to those provisions by any state agency with respect to investments by them, and are also acceptable as security for the repayment of the deposit of public moneys. The exemptions from taxation in Ohio as provided for in particular sections of the Ohio Constitution and section 5709.76 of the Revised Code apply to the obligations. 8751
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(P)(1) Unless otherwise provided or provided for in any applicable bond proceedings, moneys to the credit of or in a special fund shall be disbursed on the order of the issuing authority. No such order is required for the payment, from the bond service fund or other special fund, when due of debt service or required payments under credit enhancement facilities. 8764
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(2) Payments received by the issuing authority under interest rate hedges entered into as credit enhancement facilities under this section shall be deposited as provided in the applicable bond proceedings. 8770
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(O) The obligations shall not be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall not be pledged to the payment of debt service on them. The holders or owners of the obligations shall have no right to have any moneys obligated or pledged for the payment of debt service except as provided in this section and in the applicable bond proceedings. The rights of the holders and owners to payment of debt service are limited to all or that portion of the pledged receipts, and those special funds, pledged to the payment of debt 8774
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service pursuant to the bond proceedings in accordance with this 8783
section, and each obligation shall bear on its face a statement to 8784
that effect. 8785

(R) Each bond service fund is a trust fund and is hereby 8786
pledged to the payment of debt service on the applicable 8787
obligations. Payment of that debt service shall be made or 8788
provided for by the issuing authority in accordance with the bond 8789
proceedings without necessity for any act of appropriation. The 8790
bond proceedings may provide for the establishment of separate 8791
accounts in the bond service fund and for the application of those 8792
accounts only to debt service on specific obligations, and for 8793
other accounts in the bond service fund within the general 8794
purposes of that fund. 8795

(S) Subject to the bond proceedings pertaining to any 8796
obligations then outstanding in accordance with their terms, the 8797
issuing authority may in the bond proceedings pledge all, or such 8798
portion as the issuing authority determines, of the moneys in the 8799
bond service fund to the payment of debt service on particular 8800
obligations, and for the establishment and maintenance of any 8801
reserves for payment of particular debt service. 8802

(T)(1) Unless otherwise provided in any applicable bond 8803
proceedings, moneys to the credit of special funds may be invested 8804
by or on behalf of the issuing authority only in one or more of 8805
the following: 8806

(a) Notes, bonds, or other direct obligations of the United 8807
States or of any agency or instrumentality of the United States, 8808
or in no-front-end-load money market mutual funds consisting 8809
exclusively of those obligations, or in repurchase agreements, 8810
including those issued by any fiduciary, secured by those 8811
obligations, or in collective investment funds consisting 8812
exclusively of those obligations; 8813

<u>(b) Obligations of this state or any political subdivision of this state;</u>	8814
	8815
<u>(c) Certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions;</u>	8816
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<u>(d) The treasurer of state's pooled investment program under section 135.45 of the Revised Code;</u>	8820
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<u>(e) Other investment agreements or repurchase agreements that are consistent with the ratings on the obligations.</u>	8822
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<u>(2) The income from investments referred to in division (T)(1) of this section shall be credited to special funds or otherwise as the issuing authority determines in the bond proceedings. Those investments may be sold or exchanged at times as the issuing authority determines, provides for, or authorizes.</u>	8824
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<u>(U) The treasurer of state shall have responsibility for keeping records, making reports, and making payments, relating to any arbitrage rebate requirements under the applicable bond proceedings.</u>	8829
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<u>Sec. 183.52.</u> <u>(A) There is hereby created a body, both corporate and politic, constituting an agency and instrumentality of this state and performing essential functions of the state, to be known as the Ohio tobacco settlement financing authority, which in that name may contract and be contracted with, sue and be sued, and exercise all other authority vested in that authority by this section and section 183.51 of the Revised Code. The authority is created for the sole purpose of purchasing and receiving any assignment of the tobacco settlement receipts and issuing obligations, all as provided for in section 183.51 of the Revised Code, to provide financing of essential functions and facilities.</u>	8833
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The property of the authority and its income and operations shall 8844
be exempt from taxation involving the state or by the state and 8845
any political subdivision of the state. All income of the 8846
authority, after the payment of necessary expenses, shall accrue 8847
to the state. 8848

(B) The authority shall consist of, in each case ex officio, 8849
the governor, the director of budget and management, the tax 8850
commissioner, the treasurer of state, the attorney general, and 8851
the auditor of state. The governor shall serve as the chair of the 8852
authority, the director of budget and management shall serve as 8853
its secretary, and the authority shall have such other officers as 8854
it determines, who may but need not be members of the authority. 8855
Four members of the authority constitute a quorum and the 8856
affirmative vote of four members is necessary for any action taken 8857
by vote of the authority. No vacancy in the membership of the 8858
authority shall impair the rights of a quorum by such vote to 8859
exercise all the rights and perform all the duties of the 8860
authority. Each of the members above identified may designate an 8861
employee or officer of their office to attend meetings of the 8862
authority when that member is absent or unable for any reason to 8863
attend and that designee, when present, shall be counted in 8864
determining whether a quorum is present at any meeting and may 8865
vote and participate in all proceedings and actions of the 8866
authority. A designee may not execute or cause a facsimile 8867
signature to be placed on any obligation. That designation shall 8868
be in writing, executed by the designating member, and be filed 8869
with the secretary of the authority. A designation may be changed 8870
from time to time by a similar written designation. The authority 8871
may delegate to such of its members, officers, employees, or staff 8872
as it determines those powers and duties as it deems appropriate. 8873
No member of the authority or designee shall, by reason of being 8874
or serving as a member of the authority, be required to abstain 8875

from action in any other capacity as an incumbent of a state 8876
office or position or from any action as a member of the authority 8877
in any matter affecting or in any way pertaining to both that 8878
office or position and the authority, or for any purpose be deemed 8879
to be disqualified from either such office or position or as a 8880
member of the authority by reason of so acting or to have violated 8881
any law by reason thereof. The authority may adopt and alter 8882
bylaws and rules for the conduct of its affairs, including 8883
provisions for meetings, and for the manner in which its powers 8884
and functions are to be exercised and embodied, and may adopt and 8885
alter at will an official seal to be affixed to official 8886
documents, provided that the failure to affix any such seal shall 8887
not affect the legality of such documents. Members of the 8888
authority shall receive no added compensation for their services 8889
as such members but may be reimbursed, as determined by the 8890
authority, for their necessary and actual expenses incurred in the 8891
conduct of the authority's business. The office of budget and 8892
management shall provide staff support to the authority. 8893

Notwithstanding the existence of common management, the 8894
authority shall be treated and accounted for as a separate and 8895
independent legal entity with its separate purposes as set forth 8896
in this section and section 183.51 of the Revised Code. The 8897
assets, liabilities, and funds of the authority shall not be 8898
consolidated or commingled with those of the state, and contracts 8899
entered into by the authority shall be entered into in the name of 8900
the authority and not in the name of the state. 8901

(C) In connection with the exercise of its powers pursuant to 8902
this section and section 183.51 of the Revised Code, the authority 8903
may enter into contracts and execute all instruments necessary or 8904
incidental to the performance of the issuing authority's duties 8905
and the execution of the issuing authority's powers and do all 8906
other acts necessary or proper to the fulfillment of the issuing 8907

authority's purposes and to carry out the powers expressly granted 8908
in this section and section 183.51 of the Revised Code. 8909

Sec. 307.021. (A) It is hereby declared to be a public 8910
purpose and function of the state, and a matter of urgent 8911
necessity, that the state acquire, construct, or renovate capital 8912
facilities for use as county, multicounty, municipal-county, and 8913
multicounty-municipal jail facilities or workhouses, as 8914
single-county or district community-based correctional facilities 8915
authorized under section 2301.51 of the Revised Code, as minimum 8916
security misdemeanor jails under sections 341.34 and 753.21 of 8917
the Revised Code, and as single-county or joint-county juvenile 8918
facilities authorized under section 2151.65 of the Revised Code in 8919
order to comply with constitutional standards and laws for the 8920
incarceration of alleged and convicted offenders against state and 8921
local laws, and for use as county family court centers. For these 8922
purposes, counties and municipal corporations are designated as 8923
state agencies to perform duties of the state in relation to such 8924
facilities, workhouses, jails, and centers, and such facilities, 8925
workhouses, jails, and centers are designated as state capital 8926
facilities. The Ohio building authority is authorized to issue 8927
revenue obligations under sections 152.09 to 152.33 of the Revised 8928
Code to pay all or part of the cost of such state capital 8929
facilities as are designated by law. 8930

The office of the sheriff, due to its responsibilities 8931
concerning alleged and convicted offenders against state laws, is 8932
designated as the state agency having jurisdiction over such jail, 8933
workhouse, community-based correctional, or county minimum 8934
security misdemeanor jail capital facilities in any one county or 8935
over any district community-based correctional facilities. The 8936
corrections commission, due to its responsibilities in relation to 8937
such offenders, is designated as the state agency having 8938
jurisdiction over any such multicounty, municipal-county, or 8939

multicounty-municipal jail, workhouse, or correctional capital 8940
facilities. The office of the chief of police or marshal of a 8941
municipal corporation, due to its responsibilities concerning 8942
certain alleged and convicted criminal offenders, is designated as 8943
the state agency having jurisdiction over any such municipal 8944
corporation minimum security misdemeanor jail capital facilities 8945
in the municipal corporation. The juvenile court, as defined in 8946
section 2151.011 of the Revised Code, is designated as the branch 8947
of state government having jurisdiction over any such family court 8948
center or single-county or joint-county juvenile capital 8949
facilities. It is hereby determined and declared that such capital 8950
facilities are for the purpose of housing such state agencies, 8951
their functions, equipment, and personnel. 8952

(B) The capital facilities provided for in this section may 8953
be included in capital facilities in which one or more 8954
governmental entities are participating or in which other 8955
facilities of the county or counties, or any municipal 8956
corporations, are included pursuant to section 152.31 or 152.33 of 8957
the Revised Code or in an agreement between any county or counties 8958
and any municipal corporation or municipal corporations for 8959
participating in the joint construction, acquisition, or 8960
improvement of public works, public buildings, or improvements 8961
benefiting the parties in the same manner as set forth in section 8962
153.61 of the Revised Code. 8963

(C) A county or counties or a municipal corporation or 8964
municipal corporations may contribute to the cost of capital 8965
facilities authorized under this section. 8966

(D) A county or counties, and any municipal corporations, 8967
shall lease capital facilities described in this section that are 8968
constructed, reconstructed, otherwise improved, or financed by the 8969
Ohio building authority pursuant to sections 152.09 to 152.33 of 8970
the Revised Code for the use of the county or counties and any 8971

municipal corporations, and may enter into other agreements 8972
ancillary to the construction, reconstruction, improvement, 8973
financing, leasing, or operation of such capital facilities, 8974
including, but not limited to, any agreements required by the 8975
applicable bond proceedings authorized by sections 152.09 to 8976
152.33 of the Revised Code. 8977

Such lease may obligate the county or counties and any 8978
municipal corporation, as using state agencies under Chapter 152. 8979
of the Revised Code, to occupy and operate such capital facilities 8980
for such period of time as may be specified by law and to pay such 8981
rent as the authority determines to be appropriate. 8982
Notwithstanding any other section of the Revised Code, any county 8983
or counties or municipal corporation may enter into such a lease, 8984
and any such lease is legally sufficient to obligate the political 8985
subdivision for the term stated in the lease. Any such lease 8986
constitutes an agreement described in division (E) of section 8987
152.24 of the Revised Code. 8988

(E) If rental payments required from the county or counties 8989
or municipal corporation by a lease established pursuant to this 8990
section are not paid in accordance with such lease, the funds 8991
which otherwise would be apportioned to the lessees from the 8992
county undivided local ~~government~~ communities fund, pursuant to 8993
sections 5747.51 to 5747.53 of the Revised Code, shall be reduced 8994
by the amount of rent payable to the authority. The county 8995
treasurer immediately shall pay the amount of such reductions to 8996
the authority. 8997

(F) Any lease of capital facilities authorized by this 8998
section, the rentals of which are payable in whole or in part from 8999
appropriations made by the general assembly, is governed by 9000
division (D) of section 152.24 of the Revised Code. Such rentals 9001
constitute available receipts as defined in section 152.09 of the 9002
Revised Code and may be pledged for the payment of bond service 9003

charges as provided in section 152.10 of the Revised Code. 9004

(G) Any provision of section 152.21, 152.22, or 152.26 of the 9005
Revised Code that applies to buildings and facilities described in 9006
section 152.19 of the Revised Code also applies to the buildings 9007
and facilities described in this section, unless it is 9008
inconsistent with this section. 9009

Sec. 307.695. (A) As used in this section: 9010

(1) "Arena" means any structure designed and constructed for 9011
the purpose of providing a venue for public entertainment and 9012
recreation by the presentation of concerts, sporting and athletic 9013
events, and other events and exhibitions, including facilities 9014
intended to house or provide a site for one or more athletic or 9015
sports teams or activities, spectator facilities, parking 9016
facilities, walkways, and auxiliary facilities, real and personal 9017
property, property rights, easements, leasehold estates, and 9018
interests that may be appropriate for, or used in connection with, 9019
the operation of the arena. 9020

(2) "Convention center" means any structure expressly 9021
designed and constructed for the purposes of presenting 9022
conventions, public meetings, and exhibitions and includes parking 9023
facilities that serve the center and any personal property used in 9024
connection with any such structure or facilities. 9025

(3) "Eligible county" means a county having a population of 9026
at least four hundred thousand but not more than eight hundred 9027
thousand according to the 2000 federal decennial census and that 9028
directly borders the geographic boundaries of another state. 9029

(4) "Entity" means a nonprofit corporation, a municipal 9030
corporation, a port authority created under Chapter 4582. of the 9031
Revised Code, or a convention facilities authority created under 9032
Chapter 351. of the Revised Code. 9033

(5) "Lodging taxes" means excise taxes levied under division 9034
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 9035
the revenues arising therefrom. 9036

(6) "Nonprofit corporation" means a nonprofit corporation 9037
that is organized under the laws of this state and that includes 9038
within the purposes for which it is incorporated the authorization 9039
to lease and operate facilities such as a convention center or an 9040
arena or a combination of an arena and convention center. 9041

(7) "Project" means acquiring, constructing, reconstructing, 9042
renovating, rehabilitating, expanding, adding to, equipping, 9043
furnishing or otherwise improving an arena, a convention center, 9044
or a combination of an arena and convention center. For purposes 9045
of this section, a project is a permanent improvement for one 9046
purpose under Chapter 133. of the Revised Code. 9047

(8) "Project revenues" means money received by an eligible 9048
county, other than money from taxes or from the proceeds of 9049
securities secured by taxes, in connection with, derived from, 9050
related to, or resulting from a project, including, but not 9051
limited to, rentals and other payments received under a lease or 9052
agreement with respect to the project, ticket charges or 9053
surcharges for admission to events at a project, charges or 9054
surcharges for parking for events at a project, charges for the 9055
use of a project or any portion of a project, including suites and 9056
seating rights, the sale of naming rights for the project or a 9057
portion of the project, unexpended proceeds of any county revenue 9058
bonds issued for the project, and any income and profit from the 9059
investment of the proceeds of any such revenue bonds or any 9060
project revenues. 9061

(9) "Chapter 133. securities," "debt charges," "general 9062
obligation," "legislation," "one purpose," "outstanding," 9063
"permanent improvement," "person," and "securities" have the 9064
meanings given to those terms in section 133.01 of the Revised 9065

Code. 9066

(B) A board of county commissioners may enter into an 9067
agreement with a convention and visitors' bureau operating in the 9068
county under which: 9069

(1) The bureau agrees to construct and equip a convention 9070
center in the county and to pledge and contribute from the tax 9071
revenues received by it under division (A) of section 5739.09 of 9072
the Revised Code, not more than such portion thereof that it is 9073
authorized to pledge and contribute for the purpose described in 9074
division (C) of this section; and 9075

(2) The board agrees to levy a tax under division (C) of 9076
section 5739.09 of the Revised Code and pledge and contribute the 9077
revenues therefrom for the purpose described in division (C) of 9078
this section. 9079

(C) The purpose of the pledges and contributions described in 9080
divisions (B)(1) and (2) of this section is payment of principal, 9081
interest, and premium, if any, on bonds and notes issued by or for 9082
the benefit of the bureau to finance the construction and 9083
equipping of a convention center. The pledges and contributions 9084
provided for in the agreement shall be for the period stated in 9085
the agreement. Revenues determined from time to time by the board 9086
to be needed to cover the real and actual costs of administering 9087
the tax imposed by division (C) of section 5739.09 of the Revised 9088
Code may not be pledged or contributed. The agreement shall 9089
provide that any such bonds and notes shall be secured by a trust 9090
agreement between the bureau or other issuer acting for the 9091
benefit of the bureau and a corporate trustee that is a trust 9092
company or bank having the powers of a trust company within or 9093
without the state, and the trust agreement shall pledge or assign 9094
to the retirement of the bonds or notes, all moneys paid by the 9095
county under this section. A tax the revenues from which are 9096
pledged under an agreement entered into by a board of county 9097

commissioners under this section shall not be subject to 9098
diminution by initiative or referendum, or diminution by statute, 9099
unless provision is made therein for an adequate substitute 9100
therefor reasonably satisfactory to the trustee under the trust 9101
agreement that secures the bonds and notes. 9102

(D) A pledge of money by a county under division (B) of this 9103
section shall not be indebtedness of the county for purposes of 9104
Chapter 133. of the Revised Code. 9105

(E) If the terms of the agreement so provide, the board of 9106
county commissioners may acquire and lease real property to the 9107
convention bureau as the site of the convention center. The lease 9108
shall be on such terms as are set forth in the agreement. The 9109
purchase and lease are not subject to the limitations of sections 9110
307.02 and 307.09 of the Revised Code. 9111

(F) In addition to the authority granted to a board of county 9112
commissioners under divisions (B) to (E) of this section, a board 9113
of county commissioners in a county with a population of one 9114
million two hundred thousand or more, or a county with a 9115
population greater than four hundred thousand but less than five 9116
hundred thousand, may establish and provide local funding options 9117
for constructing and equipping a convention center. 9118

(G) The board of county commissioners of an eligible county 9119
may undertake, finance, operate, and maintain a project. The board 9120
may lease a project to an entity on terms that the board 9121
determines to be in the best interest of the county and in 9122
furtherance of the public purpose of the project; the lease may be 9123
for a term of thirty-five years or less and may provide for an 9124
option of the entity to renew the lease for a term of thirty-five 9125
years or less. The board may enter into an agreement with an 9126
entity with respect to a project on terms that the board 9127
determines to be in the best interest of the county and in 9128
furtherance of the public purpose of the project. To the extent 9129

provided for in an agreement or a lease with an entity, the board 9130
may authorize the entity to administer on behalf of the board any 9131
contracts for the project. The board may enter into an agreement 9132
providing for the sale to a person of naming rights to a project 9133
or portion of a project, for a period, for consideration, and on 9134
other terms and conditions that the board determines to be in the 9135
best interest of the county and in furtherance of the public 9136
purpose of the project. The board may enter into an agreement with 9137
a person owning or operating a professional athletic or sports 9138
team providing for the use by that person of a project or portion 9139
of a project for that team's offices, training, practices, and 9140
home games for a period, for consideration, and on other terms and 9141
conditions that the board determines to be in the best interest of 9142
the county and in furtherance of the public purpose of the 9143
project. The board may establish ticket charges or surcharges for 9144
admission to events at a project, charges or surcharges for 9145
parking for events at a project, and charges for the use of a 9146
project or any portion of a project, including suites and seating 9147
rights, and may, as necessary, enter into agreements related 9148
thereto with persons for a period, for consideration, and on other 9149
terms and conditions that the board determines to be in the best 9150
interest of the county and in furtherance of the public purpose of 9151
the project. A lease or agreement authorized by this division is 9152
not subject to sections 307.02, 307.09, and 307.12 of the Revised 9153
Code. 9154

(H) Notwithstanding any contrary provision in Chapter 5739. 9155
of the Revised Code, after adopting a resolution declaring it to 9156
be in the best interest of the county to undertake a project as 9157
described in division (G) of this section, the board of county 9158
commissioners of an eligible county may adopt a resolution 9159
enacting or increasing any lodging taxes within the limits 9160
specified in Chapter 5739. of the Revised Code with respect to 9161
those lodging taxes and amending any prior resolution under which 9162

any of its lodging taxes have been imposed in order to provide 9163
that those taxes, after deducting the real and actual costs of 9164
administering the taxes and any portion of the taxes returned to 9165
any municipal corporation or township as provided in division 9166
(A)(1) of section 5739.09 of the Revised Code, shall be used by 9167
the board for the purposes of undertaking, financing, operating, 9168
and maintaining the project, including paying debt charges on any 9169
securities issued by the board under division (I) of this section, 9170
or to make contributions to the convention and visitors' bureau 9171
operating within the county, or to promote, advertise, and market 9172
the region in which the county is located, all as the board may 9173
determine and make appropriations for from time to time, subject 9174
to the terms of any pledge to the payment of debt charges on 9175
outstanding general obligation securities or special obligation 9176
securities authorized under division (I) of this section. A 9177
resolution adopted under division (H) of this section shall be 9178
adopted not earlier than January 15, 2007, and not later than 9179
January 15, 2008. 9180

A resolution adopted under division (H) of this section may 9181
direct the board of elections to submit the question of enacting 9182
or increasing lodging taxes, as the case may be, to the electors 9183
of the county at a special election held on the date specified by 9184
the board in the resolution, provided that the election occurs not 9185
less than seventy-five days after a certified copy of the 9186
resolution is transmitted to the board of elections and no later 9187
than January 15, 2008. A resolution submitted to the electors 9188
under this division shall not go into effect unless it is approved 9189
by a majority of those voting upon it. A resolution adopted under 9190
division (H) of this section that is not submitted to the electors 9191
of the county for their approval or disapproval is subject to a 9192
referendum as provided in sections 305.31 to 305.41 of the Revised 9193
Code. 9194

A resolution adopted under division (H) of this section takes effect upon its adoption, unless the resolution is submitted to the electors of the county for their approval or disapproval, in which case the resolution takes effect on the date the board of county commissioners receives notification from the board of elections of the affirmative vote. Lodging taxes received after the effective date of the resolution may be used for the purposes described in division (H) of this section, except that lodging taxes that have been pledged to the payment of debt charges on any bonds or notes issued by or for the benefit of a convention and visitors' bureau under division (C) of this section shall be used exclusively for that purpose until such time as the bonds or notes are no longer outstanding under the trust agreement securing those bonds or notes.

(I)(1) The board of county commissioners of an eligible county may issue the following securities of the county for the purpose of paying costs of the project, refunding any outstanding county securities issued for that purpose, refunding any outstanding bonds or notes issued by or for the benefit of the bureau under division (C) of this section, or for any combination of those purposes:

(a) General obligation securities issued under Chapter 133. of the Revised Code. The resolution authorizing these securities may include covenants to appropriate annually from lawfully available lodging taxes, and to continue to levy and collect those lodging taxes in, amounts necessary to meet the debt charges on those securities.

(b) Special obligation securities issued under Chapter 133. of the Revised Code that are secured only by lawfully available lodging taxes and any other taxes and revenues pledged to pay the debt charges on those securities, except ad valorem property taxes. The resolution authorizing those securities shall include a

pledge of and covenants to appropriate annually from lawfully 9227
available lodging taxes and any other taxes and revenues pledged 9228
for such purpose, and to continue to collect any of those revenues 9229
pledged for such purpose and to levy and collect those lodging 9230
taxes and any other taxes pledged for such purpose, in amounts 9231
necessary to meet the debt charges on those securities. The pledge 9232
is valid and binding from the time the pledge is made, and the 9233
lodging taxes so pledged and thereafter received by the county are 9234
immediately subject to the lien of the pledge without any physical 9235
delivery of the lodging taxes or further act. The lien of any 9236
pledge is valid and binding as against all parties having claims 9237
of any kind in tort, contract, or otherwise against the county, 9238
regardless of whether such parties have notice of the lien. 9239
Neither the resolution nor any trust agreement by which a pledge 9240
is created or further evidenced is required to be filed or 9241
recorded except in the records of the board. The special 9242
obligation securities shall contain a statement on their face to 9243
the effect that they are not general obligation securities, and, 9244
unless paid from other sources, are payable from the pledged 9245
lodging taxes. 9246

(c) Revenue securities authorized under section 133.08 of the 9247
Revised Code and issued under Chapter 133. of the Revised Code 9248
that are secured only by lawfully available project revenues 9249
pledged to pay the debt charges on those securities. 9250

(2) The securities described in division (I)(1) of this 9251
section are subject to Chapter 133. of the Revised Code. 9252

(3) Section 133.34 of the Revised Code, except for division 9253
(A) of that section, applies to the issuance of any refunding 9254
securities authorized under this division. In lieu of division (A) 9255
of section 133.34 of the Revised Code, the board of county 9256
commissioners shall establish the maturity date or dates, the 9257
interest payable on, and other terms of refunding securities as it 9258

considers necessary or appropriate for their issuance, provided 9259
that the final maturity of refunding securities shall not exceed 9260
by more than ten years the final maturity of any bonds refunded by 9261
refunding securities. 9262

(4) The board may not repeal, rescind, or reduce all or any 9263
portion of any lodging taxes pledged to the payment of debt 9264
charges on any outstanding special obligation securities 9265
authorized under this division, and no portion of any lodging 9266
taxes that is pledged, or that the board has covenanted to levy, 9267
collect, and appropriate annually to pay debt charges on any 9268
outstanding securities authorized under this division is subject 9269
to repeal, rescission, or reduction by the electorate of the 9270
county. 9271

Sec. 307.6910. (A) As used in this section, "contracting 9272
subdivision" means any political subdivision or taxing district 9273
that enters into an agreement with a board of county commissioners 9274
as authorized by this section. 9275

(B) A board of county commissioners may enter into an 9276
agreement with the legislative authority of one or more political 9277
subdivisions or taxing districts located wholly or partially 9278
within the territorial boundaries of the county providing for both 9279
of the following: 9280

(1) Authorization for the board of county commissioners to 9281
receive funds due the political subdivision or taxing district 9282
from the county treasury, other than funds raised by taxes levied 9283
by the political subdivision or taxing district, including, but 9284
not limited to, the political subdivision's or taxing district's 9285
share of the undivided local ~~government~~ communities fund, provided 9286
those received funds may lawfully be applied to the purpose for 9287
which money is owed to the county; 9288

(2) The crediting of the funds so received by the county 9289

against money owed to it by the political subdivision or taxing district. 9290
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The agreement shall be in writing and include the signature of an authorized officer or representative of the county and of the political subdivision or taxing district. 9292
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(C) Upon entering into an agreement, the board of county commissioners shall cause two copies of the agreement, certified by an authorized officer or representative of the county and of the contracting subdivision, to be transmitted to the county auditor. The county auditor shall forward one copy of the agreement to the county treasurer and shall present the other copy of the agreement to the county budget commission. The county budget commission shall give effect to the agreement in determining or revising the amounts to be credited to the funds of the county and the contracting subdivision in the official or amended official certificate of estimated resources under sections 5705.35 and 5705.36 of the Revised Code. 9295
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(D) The county auditor may rely on the certified agreement entered into under division (B) of this section for the purpose of making a certification under division (D) of section 5705.41 of the Revised Code for a county contract or order of money incurred on behalf of the contracting subdivision if the county auditor finds that the amount credited to the county under division (B)(2) of this section is available in the amount and at the time necessary to meet the obligation. 9307
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(E) The county auditor and county treasurer, in carrying out their statutory duties regarding the crediting and distribution of money to the funds of the parties to agreements entered into under this section, shall give effect to any such agreements certified to the county auditor under this section. A certified agreement shall not affect the time at which moneys otherwise would be available by law to the parties to the agreement. 9315
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(F) The terms of an agreement entered into under this section 9322
may be enforced in the court of common pleas of the county that is 9323
a party to the agreement in an action for a writ of mandamus. For 9324
purposes of that action, it shall be deemed that the legislative 9325
authority of the contracting subdivision has a duty to allow 9326
payments to the county as specified in the agreement, that the 9327
board of county commissioners of the county has a duty to receive 9328
those payments in the manner specified in the agreement, and that 9329
those duties are specifically enjoined by law and result from an 9330
office, trust, or station. 9331

Sec. 307.98. ~~Boards~~ As used in this section, "county grantee" 9332
has the same meaning as in section 5101.21 of the Revised Code. 9333
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Each board of county commissioners ~~may~~ and each other county 9335
grantee of the county shall jointly enter into one or more written 9336
fiscal grant agreements with the director of job and family 9337
services in accordance with section 5101.21 of the Revised Code. 9338
~~If a board enters into a fiscal agreement, the~~ The board of county 9339
commissioners shall enter into the agreement on behalf of the 9340
county family services agencies, other than a county family 9341
services agency that is a county ~~signer as defined in section~~ 9342
~~5101.21 of the Revised Code~~ grantee. 9343

Sec. 307.981. (A)(1) As used in the Revised Code: 9344

(a) "County family services agency" means all of the 9345
following: 9346

(i) A child support enforcement agency; 9347

(ii) A county department of job and family services; 9348

(iii) A public children services agency. 9349

(b) "Family services duty" means a duty state law requires or 9350

allows a county family services agency to assume, including 9351
financial and general administrative duties. "Family services 9352
duty" does not include a duty funded by the United States 9353
department of labor. 9354

(2) As used in sections 307.981 to 307.989 of the Revised 9355
Code, "private entity" means an entity other than a government 9356
entity. 9357

(B) To the extent permitted by federal law, including, when 9358
applicable, subpart F of 5 C.F.R. part 900, and subject to any 9359
limitations established by the Revised Code, including division 9360
(H) of this section, a board of county commissioners may designate 9361
any private or government entity within this state to serve as any 9362
of the following: 9363

(1) A child support enforcement agency; 9364

(2) A county department of job and family services; 9365

(3) A public children services agency; 9366

(4) A county department of job and family services and one 9367
other of those county family services agencies; 9368

(5) All three of those county family services agencies. 9369

(C) To the extent permitted by federal law, including, when 9370
applicable, subpart F of 5 C.F.R. part 900, and subject to any 9371
limitations of the Revised Code, including division (H) of this 9372
section, a board of county commissioners may change the 9373
designation it makes under division (B) of this section by 9374
designating another private or government entity. 9375

(D) If a designation under division (B) or (C) of this 9376
section constitutes a change from the designation in a ~~fiscal~~ 9377
grant agreement between the director of job and family services 9378
and the board under sections 307.98 and 5101.21 of the Revised 9379
Code, the director may require that the director and board amend 9380

the ~~fiscal~~ grant agreement and that the board provide the director 9381
written assurances that the newly designated private or government 9382
entity will meet or exceed all requirements of the family services 9383
duties the entity is to assume. 9384

(E) Not less than sixty days before a board of county 9385
commissioners designates an entity under division (B) or (C) of 9386
this section, the board shall notify the director of job and 9387
family services and publish notice in a newspaper of general 9388
circulation in the county of the board's intention to make the 9389
designation and reasons for the designation. 9390

(F) A board of county commissioners shall enter into a 9391
written contract with each entity it designates under division (B) 9392
or (C) of this section specifying the entity's responsibilities 9393
and standards the entity is required to meet. 9394

(G) This section does not require a board of county 9395
commissioners to abolish the child support enforcement agency, 9396
county department of job and family services, or public children 9397
services agency serving the county on October 1, 1997, and 9398
designate a different private or government entity to serve as the 9399
county's child support enforcement agency, county department of 9400
job and family services, or public children services agency. 9401

(H) If a county children services board appointed under 9402
section 5153.03 of the Revised Code serves as a public children 9403
services agency for a county, the board of county commissioners 9404
may not redesignate the public children services agency unless the 9405
board of county commissioners does all of the following: 9406

(1) Notifies the county children services board of its intent 9407
to redesignate the public children services agency. In its 9408
notification, the board of county commissioners shall provide the 9409
county children services board a written explanation of the 9410
administrative, fiscal, or performance considerations causing the 9411

board of county commissioners to seek to redesignate the public 9412
children services agency. 9413

(2) Provides the county children services board an 9414
opportunity to comment on the proposed redesignation before the 9415
redesignation occurs; 9416

(3) If the county children services board, not more than 9417
sixty days after receiving the notice under division (H)(1) of 9418
this section, notifies the board of county commissioners that the 9419
county children services board has voted to oppose the 9420
redesignation, votes unanimously to proceed with the 9421
redesignation. 9422

Sec. 308.04. Within sixty days after a regional airport 9423
authority has been created under section 308.03 of the Revised 9424
Code, the board of trustees for such regional airport authority 9425
shall be appointed as provided in the resolution creating it. 9426

Each member of the board of trustees, before entering upon 9427
~~his~~ the member's official duties, shall take and subscribe to an 9428
oath or affirmation that ~~he~~ the member will honestly, faithfully, 9429
and impartially perform the duties of ~~his~~ office, and that ~~he~~ the 9430
member will not be interested directly or indirectly in any 9431
contract let by the regional airport authority. Any contract let 9432
by the regional airport authority in which a member of the board 9433
of trustees is directly or indirectly interested is void and 9434
unenforceable. 9435

After each member of the board has taken the oath as 9436
prescribed by this section the board shall meet and organize by 9437
electing one of its members as president and another as 9438
vice-president, who shall hold their respective offices until the 9439
next annual meeting of the board as provided in its bylaws. At 9440
each annual meeting thereafter the board shall elect from its 9441
membership a president and a vice-president who shall serve for a 9442

term of one year. 9443

The board shall appoint and fix the compensation of a 9444
secretary-treasurer, who shall not be a member of the board and 9445
who shall serve at the pleasure of the board. 9446

Sec. 317.08. (A) Except as provided in divisions (C) and (D) 9447
of this section, the county recorder shall keep six separate sets 9448
of records as follows: 9449

(1) A record of deeds, in which shall be recorded all deeds 9450
and other instruments of writing for the absolute and 9451
unconditional sale or conveyance of lands, tenements, and 9452
hereditaments; all notices as provided in sections 5301.47 to 9453
5301.56 of the Revised Code; all judgments or decrees in actions 9454
brought under section 5303.01 of the Revised Code; all 9455
declarations and bylaws, and all amendments to declarations and 9456
bylaws, as provided in Chapter 5311. of the Revised Code; 9457
affidavits as provided in sections 5301.252 and 5301.56 of the 9458
Revised Code; all certificates as provided in section 5311.17 of 9459
the Revised Code; all articles dedicating archaeological preserves 9460
accepted by the director of the Ohio historical society under 9461
section 149.52 of the Revised Code; all articles dedicating nature 9462
preserves accepted by the director of natural resources under 9463
section 1517.05 of the Revised Code; all agreements for the 9464
registration of lands as archaeological or historic landmarks 9465
under section 149.51 or 149.55 of the Revised Code; all 9466
conveyances of conservation easements and agricultural easements 9467
under section 5301.68 of the Revised Code; all instruments 9468
extinguishing agricultural easements under section 901.21 or 9469
5301.691 of the Revised Code or pursuant to terms of such an 9470
easement granted to a charitable organization under section 9471
5301.68 of the Revised Code; all instruments or orders described 9472
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 9473

no further action letters issued under section 122.654 or 3746.11 9474
of the Revised Code; all covenants not to sue issued under section 9475
3746.12 of the Revised Code, including all covenants not to sue 9476
issued pursuant to section 122.654 of the Revised Code; any 9477
restrictions on the use of property contained in a no further 9478
action letter issued under section 122.654 of the Revised Code, 9479
any restrictions on the use of property identified pursuant to 9480
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 9481
restrictions on the use of property contained in a deed or other 9482
instrument as provided in division (E) or (F) of section 3737.882 9483
of the Revised Code; any easement executed or granted under 9484
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 9485
any environmental covenant entered into in accordance with 9486
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 9487
trust, as described in division (A) of section 5301.255 of the 9488
Revised Code, that describe specific real property; and all 9489
agreements entered into under division (A) of section ~~1521.26~~ 9490
1506.44 of the Revised Code; 9491

(2) A record of mortgages, in which shall be recorded all of 9492
the following: 9493

(a) All mortgages, including amendments, supplements, 9494
modifications, and extensions of mortgages, or other instruments 9495
of writing by which lands, tenements, or hereditaments are or may 9496
be mortgaged or otherwise conditionally sold, conveyed, affected, 9497
or encumbered; 9498

(b) All executory installment contracts for the sale of land 9499
executed after September 29, 1961, that by their terms are not 9500
required to be fully performed by one or more of the parties to 9501
them within one year of the date of the contracts; 9502

(c) All options to purchase real estate, including 9503
supplements, modifications, and amendments of the options, but no 9504
option of that nature shall be recorded if it does not state a 9505

specific day and year of expiration of its validity; 9506

(d) Any tax certificate sold under section 5721.33 of the 9507
Revised Code, or memorandum of it, that is presented for filing of 9508
record. 9509

(3) A record of powers of attorney, including all memoranda 9510
of trust, as described in division (A) of section 5301.255 of the 9511
Revised Code, that do not describe specific real property; 9512

(4) A record of plats, in which shall be recorded all plats 9513
and maps of town lots, of the subdivision of town lots, and of 9514
other divisions or surveys of lands, any center line survey of a 9515
highway located within the county, the plat of which shall be 9516
furnished by the director of transportation or county engineer, 9517
and all drawings and amendments to drawings, as provided in 9518
Chapter 5311. of the Revised Code; 9519

(5) A record of leases, in which shall be recorded all 9520
leases, memoranda of leases, and supplements, modifications, and 9521
amendments of leases and memoranda of leases; 9522

(6) A record of declarations executed pursuant to section 9523
2133.02 of the Revised Code and durable powers of attorney for 9524
health care executed pursuant to section 1337.12 of the Revised 9525
Code. 9526

(B) All instruments or memoranda of instruments entitled to 9527
record shall be recorded in the proper record in the order in 9528
which they are presented for record. The recorder may index, keep, 9529
and record in one volume unemployment compensation liens, internal 9530
revenue tax liens and other liens in favor of the United States as 9531
described in division (A) of section 317.09 of the Revised Code, 9532
personal tax liens, mechanic's liens, agricultural product liens, 9533
notices of liens, certificates of satisfaction or partial release 9534
of estate tax liens, discharges of recognizances, excise and 9535
franchise tax liens on corporations, broker's liens, and liens 9536

provided for in sections 1513.33, 1513.37, 3752.13, 5111.022, and 9537
5311.18 of the Revised Code. 9538

The recording of an option to purchase real estate, including 9539
any supplement, modification, and amendment of the option, under 9540
this section shall serve as notice to any purchaser of an interest 9541
in the real estate covered by the option only during the period of 9542
the validity of the option as stated in the option. 9543

(C) In lieu of keeping the six separate sets of records 9544
required in divisions (A)(1) to (6) of this section and the 9545
records required in division (D) of this section, a county 9546
recorder may record all the instruments required to be recorded by 9547
this section in two separate sets of record books. One set shall 9548
be called the "official records" and shall contain the instruments 9549
listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this 9550
section. The second set of records shall contain the instruments 9551
listed in division (A)(4) of this section. 9552

(D) Except as provided in division (C) of this section, the 9553
county recorder shall keep a separate set of records containing 9554
all corrupt activity lien notices filed with the recorder pursuant 9555
to section 2923.36 of the Revised Code and a separate set of 9556
records containing all medicaid fraud lien notices filed with the 9557
recorder pursuant to section 2933.75 of the Revised Code. 9558

Sec. 319.202. Before the county auditor indorses any real 9559
property conveyance or manufactured or mobile home conveyance 9560
presented to the auditor pursuant to section 319.20 of the Revised 9561
Code or registers any manufactured or mobile home conveyance 9562
pursuant to section 4503.061 of the Revised Code, the grantee or 9563
the grantee's representative shall submit in triplicate a 9564
statement, prescribed by the tax commissioner, and other 9565
information as the county auditor may require, declaring the value 9566
of real property or manufactured or mobile home conveyed, except 9567

that when the transfer is exempt under division ~~(F)~~(G)(3) of 9568
section 319.54 of the Revised Code only a statement of the reason 9569
for the exemption shall be required. Each statement submitted 9570
under this section shall contain the information required under 9571
divisions (A) and (B) of this section. 9572

(A) Each statement submitted under this section shall either: 9573

(1) Contain an affirmation by the grantee that the grantor 9574
has been asked by the grantee or the grantee's representative 9575
whether to the best of the grantor's knowledge either the 9576
preceding or the current year's taxes on the real property or the 9577
current or following year's taxes on the manufactured or mobile 9578
home conveyed will be reduced under division (A) of section 9579
323.152 or under section 4503.065 of the Revised Code and that the 9580
grantor indicated that to the best of the grantor's knowledge the 9581
taxes will not be so reduced; or 9582

(2) Be accompanied by a sworn or affirmed instrument stating: 9583

(a) To the best of the grantor's knowledge the real property 9584
or the manufactured or mobile home that is the subject of the 9585
conveyance is eligible for and will receive a reduction in taxes 9586
for or payable in the current year under division (A) of section 9587
323.152 or under section 4503.065 of the Revised Code and that the 9588
reduction or reductions will be reflected in the grantee's taxes; 9589

(b) The estimated amount of such reductions that will be 9590
reflected in the grantee's taxes; 9591

(c) That the grantor and the grantee have considered and 9592
accounted for the total estimated amount of such reductions to the 9593
satisfaction of both the grantee and the grantor. The auditor 9594
shall indorse the instrument, return it to the grantee or the 9595
grantee's representative, and provide a copy of the indorsed 9596
instrument to the grantor or the grantor's representative. 9597

(B) Each statement submitted under this section shall either: 9598

(1) Contain an affirmation by the grantee that the grantor 9599
has been asked by the grantee or the grantee's representative 9600
whether to the best of the grantor's knowledge the real property 9601
conveyed qualified for the current agricultural use valuation 9602
under section 5713.30 of the Revised Code either for the preceding 9603
or the current year and that the grantor indicated that to the 9604
best of the grantor's knowledge the property conveyed was not so 9605
qualified; or 9606

(2) Be accompanied by a sworn or affirmed instrument stating: 9607

(a) To the best of the grantor's knowledge the real property 9608
conveyed was qualified for the current agricultural use valuation 9609
under section 5713.30 of the Revised Code either for the preceding 9610
or the current year; 9611

(b) To the extent that the property will not continue to 9612
qualify for the current agricultural use valuation either for the 9613
current or the succeeding year, that the property will be subject 9614
to a recoupment charge equal to the tax savings in accordance with 9615
section 5713.34 of the Revised Code; 9616

(c) That the grantor and the grantee have considered and 9617
accounted for the total estimated amount of such recoupment, if 9618
any, to the satisfaction of both the grantee and the grantor. The 9619
auditor shall indorse the instrument, forward it to the grantee or 9620
the grantee's representative, and provide a copy of the indorsed 9621
instrument to the grantor or the grantor's representative. 9622

(C) The grantor shall pay the fee required by division 9623
~~(F)~~(G)(3) of section 319.54 of the Revised Code; and, in the event 9624
the board of county commissioners of the county has levied a real 9625
property or a manufactured home transfer tax pursuant to Chapter 9626
322. of the Revised Code, the amount required by the real property 9627
or manufactured home transfer tax so levied. If the conveyance is 9628
exempt from the fee provided for in division ~~(F)~~(G)(3) of section 9629

319.54 of the Revised Code and the tax, if any, levied pursuant to 9630
Chapter 322. of the Revised Code, the reason for such exemption 9631
shall be shown on the statement. "Value" means, in the case of any 9632
deed or certificate of title not a gift in whole or part, the 9633
amount of the full consideration therefor, paid or to be paid for 9634
the real estate or manufactured or mobile home described in the 9635
deed or title, including the amount of any mortgage or vendor's 9636
lien thereon. If property sold under a land installment contract 9637
is conveyed by the seller under such contract to a third party and 9638
the contract has been of record at least twelve months prior to 9639
the date of conveyance, "value" means the unpaid balance owed to 9640
the seller under the contract at the time of the conveyance, but 9641
the statement shall set forth the amount paid under such contract 9642
prior to the date of conveyance. In the case of a gift in whole or 9643
part, "value" means the estimated price the real estate or 9644
manufactured or mobile home described in the deed or certificate 9645
of title would bring in the open market and under the then 9646
existing and prevailing market conditions in a sale between a 9647
willing seller and a willing buyer, both conversant with the 9648
property and with prevailing general price levels. No person shall 9649
willfully falsify the value of property conveyed. 9650

(D) The auditor shall indorse each conveyance on its face to 9651
indicate the amount of the conveyance fee and compliance with this 9652
section. The auditor shall retain the original copy of the 9653
statement of value, forward to the tax commissioner one copy on 9654
which shall be noted the most recent assessed value of the 9655
property, and furnish one copy to the grantee or the grantee's 9656
representative. 9657

(E) In order to achieve uniform administration and collection 9658
of the transfer fee required by division ~~(F)~~(G)(3) of section 9659
319.54 of the Revised Code, the tax commissioner shall adopt and 9660
promulgate rules for the administration and enforcement of the 9661

levy and collection of such fee. 9662

Sec. 319.54. (A) On all moneys collected by the county 9663
treasurer on any tax duplicate of the county, other than estate 9664
tax duplicates, and on all moneys received as advance payments of 9665
personal property and classified property taxes, the county 9666
auditor, on settlement with the treasurer and tax commissioner, on 9667
or before the date prescribed by law for such settlement or any 9668
lawful extension of such date, shall be allowed as compensation 9669
for the county auditor's services the following percentages: 9670

(1) On the first one hundred thousand dollars, two and 9671
one-half per cent; 9672

(2) On the next two million dollars, eight thousand three 9673
hundred eighteen ten-thousandths of one per cent; 9674

(3) On the next two million dollars, six thousand six hundred 9675
fifty-five ten-thousandths of one per cent; 9676

(4) On all further sums, one thousand six hundred sixty-three 9677
ten-thousandths of one per cent. 9678

If any settlement is not made on or before the date 9679
prescribed by law for such settlement or any lawful extension of 9680
such date, the aggregate compensation allowed to the auditor shall 9681
be reduced one per cent for each day such settlement is delayed 9682
after the prescribed date. No penalty shall apply if the auditor 9683
and treasurer grant all requests for advances up to ninety per 9684
cent of the settlement pursuant to section 321.34 of the Revised 9685
Code. The compensation allowed in accordance with this section on 9686
settlements made before the dates prescribed by law, or the 9687
reduced compensation allowed in accordance with this section on 9688
settlements made after the date prescribed by law or any lawful 9689
extension of such date, shall be apportioned ratably by the 9690
auditor and deducted from the shares or portions of the revenue 9691

payable to the state as well as to the county, townships, 9692
municipal corporations, and school districts. 9693

(B) For the purpose of compensating county auditors for the 9694
expenses associated with the increased number of applications for 9695
reductions in real property taxes under sections 323.152 and 9696
4503.065 of the Revised Code that results from the amendment of 9697
those sections by of the 127th general assembly, there 9698
shall be paid from the general revenue fund to each county auditor 9699
each year an amount equal to one per cent of the total annual 9700
amount of property tax relief reimbursement paid to that county 9701
under sections 323.156 and 4503.068 of the Revised Code. 9702

(C) From all moneys collected by the county treasurer on any 9703
tax duplicate of the county, other than estate tax duplicates, and 9704
on all moneys received as advance payments of personal property 9705
and classified property taxes, there shall be paid into the county 9706
treasury to the credit of the real estate assessment fund created 9707
by section 325.31 of the Revised Code, an amount to be determined 9708
by the county auditor, which shall not exceed the following 9709
percentages: 9710

(1) On the first one hundred thousand dollars, three and 9711
one-half per cent; 9712

(2) On the next three million dollars, one and three-eighths 9713
per cent; 9714

(3) On the next three million dollars, one per cent; 9715

(4) On all further sums not exceeding one hundred fifty 9716
million dollars, three-quarters of one per cent; 9717

(5) On amounts exceeding one hundred fifty million dollars, 9718
six-tenths of one per cent. 9719

Such compensation shall be apportioned ratably by the auditor 9720
and deducted from the shares or portions of the revenue payable to 9721

the state as well as to the county, townships, municipal 9722
corporations, and school districts. 9723

~~(C)~~(D) Each county auditor shall receive four per cent of the 9724
amount of tax collected and paid into the county treasury, on 9725
property omitted and placed by the county auditor on the tax 9726
duplicate. 9727

~~(D)~~(E) On all estate tax moneys collected by the county 9728
treasurer, the county auditor, on settlement semiannually with the 9729
tax commissioner, shall be allowed, as compensation for the 9730
auditor's services under Chapter 5731. of the Revised Code, the 9731
following percentages: 9732

(1) Four per cent on the first one hundred thousand dollars; 9733

(2) One-half of one per cent on all additional sums. 9734

Such percentages shall be computed upon the amount collected 9735
and reported at each semiannual settlement, and shall be for the 9736
use of the general fund of the county. 9737

~~(E)~~(F) On all cigarette license moneys collected by the 9738
county treasurer, the county auditor, on settlement semiannually 9739
with the treasurer, shall be allowed as compensation for the 9740
auditor's services in the issuing of such licenses one-half of one 9741
per cent of such moneys, to be apportioned ratably and deducted 9742
from the shares of the revenue payable to the county and 9743
subdivisions, for the use of the general fund of the county. 9744

~~(F)~~(G) The county auditor shall charge and receive fees as 9745
follows: 9746

(1) For deeds of land sold for taxes to be paid by the 9747
purchaser, five dollars; 9748

(2) For the transfer or entry of land, lot, or part of lot, 9749
or the transfer or entry on or after January 1, 2000, of a used 9750
manufactured home or mobile home as defined in section 5739.0210 9751

of the Revised Code, fifty cents for each transfer or entry, to be 9752
paid by the person requiring it; 9753

(3) For receiving statements of value and administering 9754
section 319.202 of the Revised Code, one dollar, or ten cents for 9755
each one hundred dollars or fraction of one hundred dollars, 9756
whichever is greater, of the value of the real property 9757
transferred or, for sales occurring on or after January 1, 2000, 9758
the value of the used manufactured home or used mobile home, as 9759
defined in section 5739.0210 of the Revised Code, transferred, 9760
except no fee shall be charged when the transfer is made: 9761

(a) To or from the United States, this state, or any 9762
instrumentality, agency, or political subdivision of the United 9763
States or this state; 9764

(b) Solely in order to provide or release security for a debt 9765
or obligation; 9766

(c) To confirm or correct a deed previously executed and 9767
recorded; 9768

(d) To evidence a gift, in trust or otherwise and whether 9769
revocable or irrevocable, between husband and wife, or parent and 9770
child or the spouse of either; 9771

(e) On sale for delinquent taxes or assessments; 9772

(f) Pursuant to court order, to the extent that such transfer 9773
is not the result of a sale effected or completed pursuant to such 9774
order; 9775

(g) Pursuant to a reorganization of corporations or 9776
unincorporated associations or pursuant to the dissolution of a 9777
corporation, to the extent that the corporation conveys the 9778
property to a stockholder as a distribution in kind of the 9779
corporation's assets in exchange for the stockholder's shares in 9780
the dissolved corporation; 9781

(h) By a subsidiary corporation to its parent corporation for 9782
no consideration, nominal consideration, or in sole consideration 9783
of the cancellation or surrender of the subsidiary's stock; 9784

(i) By lease, whether or not it extends to mineral or mineral 9785
rights, unless the lease is for a term of years renewable forever; 9786

(j) When the value of the real property or the manufactured 9787
or mobile home or the value of the interest that is conveyed does 9788
not exceed one hundred dollars; 9789

(k) Of an occupied residential property, including a 9790
manufactured or mobile home, being transferred to the builder of a 9791
new residence or to the dealer of a new manufactured or mobile 9792
home when the former residence is traded as part of the 9793
consideration for the new residence or new manufactured or mobile 9794
home; 9795

(l) To a grantee other than a dealer in real property or in 9796
manufactured or mobile homes, solely for the purpose of, and as a 9797
step in, the prompt sale of the real property or manufactured or 9798
mobile home to others; 9799

(m) To or from a person when no money or other valuable and 9800
tangible consideration readily convertible into money is paid or 9801
to be paid for the real estate or manufactured or mobile home and 9802
the transaction is not a gift; 9803

(n) Pursuant to division (B) of section 317.22 of the Revised 9804
Code, or section 2113.61 of the Revised Code, between spouses or 9805
to a surviving spouse pursuant to section 5302.17 of the Revised 9806
Code as it existed prior to April 4, 1985, between persons 9807
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 9808
after April 4, 1985, to a person who is a surviving, survivorship 9809
tenant pursuant to section 5302.17 of the Revised Code on or after 9810
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 9811

(o) To a trustee acting on behalf of minor children of the 9812

deceased;	9813
(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;	9814 9815
(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;	9816 9817
(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;	9818 9819 9820 9821 9822
(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;	9823 9824 9825 9826
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;	9827 9828
(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;	9829 9830 9831 9832
(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;	9833 9834 9835 9836
(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;	9837 9838
(x) Between persons pursuant to section 5302.18 of the Revised Code.	9839 9840
The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax	9841 9842

commissioner, and use such receipt system to provide a receipt to 9843
each person paying a fee. The auditor shall deposit the receipts 9844
of the fees on conveyances in the county treasury daily to the 9845
credit of the general fund of the county. 9846

The real property transfer fee provided for in division 9847
(F)(G)(3) of this section shall be applicable to any conveyance of 9848
real property presented to the auditor on or after January 1, 9849
1968, regardless of its time of execution or delivery. 9850

The transfer fee for a used manufactured home or used mobile 9851
home shall be computed by and paid to the county auditor of the 9852
county in which the home is located immediately prior to the 9853
transfer. 9854

Sec. 321.08. The county treasurer shall enter on ~~his~~ the 9855
treasurer's account each day the money received for advance 9856
payments of taxes and taxes charged on the general and special 9857
duplicates of the current year in the following manner: 9858

(A) Collections of estate tax to be credited to the 9859
"undivided estate tax fund;" 9860

(B) Collections of classified property taxes, including 9861
interest and penalties thereon, shall be credited to the county 9862
~~library and local government support libraries~~ libraries fund and 9863
distributed in accordance with section 5747.48 of the Revised 9864
Code; 9865

(C) Collections of other taxes and assessments of whatever 9866
kind to be credited to the undivided general tax fund. 9867

Sec. 322.01. As used in sections 322.01 to 322.07 of the 9868
Revised Code: 9869

(A) "Value" means, in the case of any deed not a gift in 9870
whole or part, the amount of the full consideration therefor, paid 9871

or to be paid for the real estate described in the deed, including 9872
the amount of any liens thereon, with the following exceptions: 9873

(1) The amount owed on a debt secured by a mortgage which has 9874
been of record at least twelve months prior to the date of the 9875
conveyance and which is assumed by the purchaser; 9876

(2) The difference between the full amount of consideration 9877
and the unpaid balance owed to the seller at the time of the 9878
conveyance of property to a third party under a land installment 9879
contract that has been of record at least twelve months prior to 9880
the date of conveyance. 9881

(B) "Value" means, in the case of a manufactured or mobile 9882
home that is not a gift in whole or in part, the amount of the 9883
full consideration paid or to be paid for the home, including the 9884
amounts of any liens thereon. 9885

(C) "Value" means, in the case of a gift in whole or part, 9886
the estimated price the real estate described in the deed, or the 9887
manufactured or mobile home, would bring in the open market and 9888
under the then existing and prevailing market conditions in a sale 9889
between a willing seller and a willing buyer, both conversant with 9890
the property and with prevailing general price levels. 9891

(D) "Deed" means any deed, instrument, or writing by which 9892
any real property or any interest in real property is granted, 9893
assigned, transferred, or otherwise conveyed except that it does 9894
not include any deed, instrument, or writing which grants, 9895
assigns, transfers, or otherwise conveys any real property or 9896
interests in real property exempted from the fee required by 9897
division ~~(F)~~(G)(3) of section 319.54 of the Revised Code. 9898

(E) "Manufactured home" has the same meaning as in division 9899
(C)(4) of section 3781.06 of the Revised Code. 9900

(F) "Mobile home" has the same meaning as in division (O) of 9901
section 4501.01 of the Revised Code. 9902

Sec. 323.151. As used in sections 323.151 to 323.159 of the Revised Code:

(A) "Homestead" means either of the following:

(1) A dwelling, including a unit in a multiple-unit dwelling and a manufactured home or mobile home taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code, owned and occupied as a home by an individual whose domicile is in this state and who has not acquired ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for the real property tax reduction provided in section 323.152 of the Revised Code.

(2) A unit in a housing cooperative that is occupied as a home, but not owned, by an individual whose domicile is in this state.

The homestead shall include so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for the use of the dwelling or unit as a home. An owner includes a holder of one of the several estates in fee, a vendee in possession under a purchase agreement or a land contract, a mortgagor, a life tenant, one or more tenants with a right of survivorship, tenants in common, and a settlor of a revocable inter vivos trust holding the title to a homestead occupied by the settlor as of right under the trust. The tax commissioner shall adopt rules for the uniform classification and valuation of real property or portions of real property as homesteads.

(B) "Sixty-five years of age or older" means a person who has attained age sixty-four prior to the first day of January of the year of application for reduction in real estate taxes.

~~(C) "Total income" means the adjusted gross income of the owner and the owner's spouse for the year preceding the year in~~

~~which application for a reduction in taxes is made, as determined 9933~~
~~under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 9934~~
~~U.S.C.A. 1, as amended, adjusted as follows: 9935~~

~~(1) Subtract the amount of disability benefits included in 9936~~
~~adjusted gross income, but not to exceed fifty two hundred 9937~~
~~dollars; 9938~~

~~(2) Add old age and survivors benefits received pursuant to 9939~~
~~the "Social Security Act" that are not included in adjusted gross 9940~~
~~income; 9941~~

~~(3) Add retirement, pension, annuity, or other retirement 9942~~
~~payments or benefits not included in adjusted gross income; 9943~~

~~(4) Add tier I and tier II railroad retirement benefits 9944~~
~~received pursuant to the "Railroad Retirement Act," 50 Stat. 307, 9945~~
~~45 U.S.C.A. 228; 9946~~

~~(5) Add interest on federal, state, and local government 9947~~
~~obligations; 9948~~

~~(6) For a person who received the homestead exemption for a 9949~~
~~prior year on the basis of being permanently and totally disabled 9950~~
~~and whose current application for the exemption is made on the 9951~~
~~basis of age, subtract the following amount: 9952~~

~~(a) If the person received disability benefits that were not 9953~~
~~included in adjusted gross income in the year preceding the first 9954~~
~~year in which the person applied for the exemption on the basis of 9955~~
~~age, subtract an amount equal to the disability benefits the 9956~~
~~person received in that preceding year, to the extent included in 9957~~
~~total income in the current year and not subtracted under division 9958~~
~~(C)(1) of this section in the current year; 9959~~

~~(b) If the person received disability benefits that were 9960~~
~~included in adjusted gross income in the year preceding the first 9961~~
~~year in which the person applied for the exemption on the basis of 9962~~

~~age, subtract an amount equal to the amount of disability benefits 9963
that were subtracted pursuant to division (C)(1) of this section 9964
in that preceding year, to the extent included in total income in 9965
the current year and not subtracted under division (C)(1) of this 9966
section in the current year. 9967~~

~~Disability benefits that are paid by the department of 9968
veterans affairs or a branch of the armed forces of the United 9969
States on account of an injury or disability shall not be included 9970
in total income. 9971~~

~~(D) "Old age and survivors benefits received pursuant to the 9972
'Social Security Act'" or "tier I railroad retirement benefits 9973
received pursuant to the 'Railroad Retirement Act'" means: 9974~~

~~(1) For those persons receiving the homestead exemption for 9975
the first time for tax years 1976 and earlier, old age benefits 9976
payable under the social security or railroad retirement laws in 9977
effect on December 31, 1975, except in those cases where a change 9978
in social security or railroad retirement benefits would result in 9979
a reduction in income. 9980~~

~~(2) For those persons receiving the homestead exemption for 9981
the first time for tax years 1977 and thereafter, old age benefits 9982
payable under the social security or railroad retirement laws in 9983
effect on the last day of the calendar year prior to the year for 9984
which the homestead exemption is first received, or, if no such 9985
benefits are payable that year, old age benefits payable the first 9986
succeeding year in which old age benefits under the social 9987
security or railroad retirement laws are payable, except in those 9988
cases where a change in social security or railroad retirement 9989
benefits results in a reduction in income. 9990~~

~~(3) The lesser of: 9991~~

~~(a) Survivors benefits payable under the social security or 9992
railroad retirement laws in effect on the last day of the calendar 9993~~

~~year prior to the year for which the homestead exemption is first received, or, if no such benefits are payable that year, survivors benefits payable the first succeeding year in which survivors benefits are payable; or~~ 9994
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~~(b) Old age benefits of the deceased spouse, as determined under division (D)(1) or (2) of this section, upon which the surviving spouse's survivors benefits are based under the social security or railroad retirement laws, except in those cases where a change in benefits would cause a reduction in income.~~ 9998
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~~Survivors benefits are those described in division (D)(3)(b) of this section only if the deceased spouse received old age benefits in the year in which the deceased spouse died. If the deceased spouse did not receive old age benefits in the year in which the deceased spouse died, then survivors benefits are those described in division (D)(3)(a) of this section.~~ 10003
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~~(E) "Permanently and totally disabled" means a person who has, on the first day of January of the year of application for reduction in real estate taxes, some impairment in body or mind that makes the person unable to work at any substantially remunerative employment that the person is reasonably able to perform and that will, with reasonable probability, continue for an indefinite period of at least twelve months without any present indication of recovery therefrom or has been certified as permanently and totally disabled by a state or federal agency having the function of so classifying persons.~~ 10009
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~~(F)(D) "Housing cooperative" means a housing complex of at least two hundred fifty units that is owned and operated by a nonprofit corporation that issues a share of the corporation's stock to an individual, entitling the individual to live in a unit of the complex, and collects a monthly maintenance fee from the individual to maintain, operate, and pay the taxes of the complex.~~ 10019
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Sec. 323.152. In addition to the reduction in taxes required 10025
under section 319.302 of the Revised Code, taxes shall be reduced 10026
as provided in divisions (A) and (B) of this section. 10027

(A)(1) Division (A) of this section applies to any of the 10028
following: 10029

(a) A person who is permanently and totally disabled; 10030

(b) A person who is sixty-five years of age or older; 10031

(c) A person who is the surviving spouse of a deceased person 10032
who was permanently and totally disabled or sixty-five years of 10033
age or older and who applied and qualified for a reduction in 10034
taxes under this division in the year of death, provided the 10035
surviving spouse is at least fifty-nine but not sixty-five or more 10036
years of age on the date the deceased spouse dies. 10037

(2) Real property taxes on a homestead owned and occupied, or 10038
a homestead in a housing cooperative occupied, by a person to whom 10039
division (A) of this section applies shall be reduced for each 10040
year for which the owner obtains a certificate of reduction from 10041
the county auditor under section 323.154 of the Revised Code or 10042
for which the occupant obtains a certificate of reduction in 10043
accordance with section 323.159 of the Revised Code. The reduction 10044
shall equal the ~~amount obtained by multiplying the tax rate for~~ 10045
~~the tax year for which the certificate is issued by the reduction~~ 10046
~~in taxable value shown in the following schedule:~~ 10047

Reduce Taxable Value		10048
by the Lesser of:		10049
Total Income		
\$11,900 or less	\$5,000 or seventy five per cent	10050
More than \$11,900 but not more than \$17,500	\$3,000 or sixty per cent	10051
More than \$17,500 but not more than \$23,000	\$1,000 or twenty five per cent	10052

More than \$23,000 ~~-0-~~ 10053

~~(3) Each calendar year, the tax commissioner shall adjust the foregoing schedule by completing the following calculations in September of each year:~~ 10054
10055
10056

~~(a) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding calendar year:~~ 10057
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~~(b) Multiply that percentage increase by each of the total income amounts, and by each dollar amount by which taxable value is reduced, for the current tax year:~~ 10062
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10064

~~(c) Add the resulting product to each of the total income amounts, and to each of the dollar amounts by which taxable value is reduced, for the current tax year:~~ 10065
10066
10067

~~(d)(i) Except as provided in division (A)(3)(d)(ii) of this section, round the resulting sum to the nearest multiple of one hundred dollars:~~ 10068
10069
10070

~~(ii) If rounding the resulting sum to the nearest multiple of one hundred dollars under division (A)(3)(d)(i) of this section does not increase the dollar amounts by which taxable value is reduced, the resulting sum instead shall be rounded to the nearest multiple of ten dollars.~~ 10071
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~~The commissioner shall certify the amounts resulting from the adjustment to each county auditor not later than the first day of December each year. The certified amounts apply to the following tax year. The commissioner shall not make the adjustment in any calendar year in which the amounts resulting from the adjustment would be less than the total income amounts, or less than the dollar amounts by which taxable value is reduced, for the current tax year greater of the reduction granted for tax year 2006, if~~ 10076
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the taxpayer received a reduction for tax year 2006, or the 10084
product of the following: 10085

(a) Twenty-five thousand dollars of the true value of the 10086
property in money; 10087

(b) The assessment percentage established by the tax 10088
commissioner under division (B) of section 5715.01 of the Revised 10089
Code, not to exceed thirty-five per cent; 10090

(c) The effective tax rate on residential/agricultural real 10091
property, where "effective tax rate" is defined as in division 10092
(B)(3) of section 319.301 of the Revised Code, and where 10093
"residential/agricultural real property" is defined as in section 10094
5713.041 of the Revised Code. 10095

(B) To provide a partial exemption, real property taxes on 10096
any homestead, and manufactured home taxes on any manufactured or 10097
mobile home on which a manufactured home tax is assessed pursuant 10098
to division (D)(2) of section 4503.06 of the Revised Code, shall 10099
be reduced for each year for which the owner obtains a certificate 10100
of reduction from the county auditor under section 323.154 of the 10101
Revised Code. The amount of the reduction shall equal two and 10102
one-half per cent of the amount of taxes to be levied on the 10103
homestead or the manufactured or mobile home after applying 10104
section 319.301 of the Revised Code. 10105

(C) The reductions granted by this section do not apply to 10106
special assessments or respread of assessments levied against the 10107
homestead, and if there is a transfer of ownership subsequent to 10108
the filing of an application for a reduction in taxes, such 10109
reductions are not forfeited for such year by virtue of such 10110
transfer. 10111

(D) The reductions in taxable value referred to in this 10112
section shall be applied solely as a factor for the purpose of 10113
computing the reduction of taxes under this section and shall not 10114

affect the total value of property in any subdivision or taxing district as listed and assessed for taxation on the tax lists and duplicates, or any direct or indirect limitations on indebtedness of a subdivision or taxing district. If after application of sections 5705.31 and 5705.32 of the Revised Code, including the allocation of all levies within the ten-mill limitation to debt charges to the extent therein provided, there would be insufficient funds for payment of debt charges not provided for by levies in excess of the ten-mill limitation, the reduction of taxes provided for in sections 323.151 to 323.159 of the Revised Code shall be proportionately adjusted to the extent necessary to provide such funds from levies within the ten-mill limitation.

(E) No reduction shall be made on the taxes due on the homestead of any person convicted of violating division (C) or (D) of section 323.153 of the Revised Code for a period of three years following the conviction.

Sec. 323.153. (A) To obtain a reduction in real property taxes under division (A) or (B) of section 323.152 of the Revised Code or in manufactured home taxes under division (B) of section 323.152 of the Revised Code, the owner shall file an application with the county auditor of the county in which the owner's homestead is located.

To obtain a reduction in real property taxes under division (A) of section 323.152 of the Revised Code, the occupant of a homestead in a housing cooperative shall file an application with the nonprofit corporation that owns and operates the housing cooperative, in accordance with this paragraph. Not later than the first day of March each year, the corporation shall obtain applications from the county auditor's office and provide one to each new occupant. Not later than the first day of May, any occupant who may be eligible for a reduction in taxes under

division (A) of section 323.152 of the Revised Code shall submit 10146
the completed application to the corporation. Not later than the 10147
fifteenth day of May, the corporation shall file all completed 10148
applications, and the information required by division (B) of 10149
section 323.159 of the Revised Code, with the county auditor of 10150
the county in which the occupants' homesteads are located. 10151
Continuing applications shall be furnished to an occupant in the 10152
manner provided in division (C)(4) of this section. 10153

(1) An application for reduction based upon a physical 10154
disability shall be accompanied by a certificate signed by a 10155
physician, and an application for reduction based upon a mental 10156
disability shall be accompanied by a certificate signed by a 10157
physician or psychologist licensed to practice in this state, 10158
attesting to the fact that the applicant is permanently and 10159
totally disabled. The certificate shall be in a form that the tax 10160
commissioner requires and shall include the definition of 10161
permanently and totally disabled as set forth in section 323.151 10162
of the Revised Code. An application for reduction based upon a 10163
disability certified as permanent and total by a state or federal 10164
agency having the function of so classifying persons shall be 10165
accompanied by a certificate from that agency. ~~Such an~~ 10166

An application for a reduction under division (A) of section 10167
323.152 of the Revised Code constitutes a continuing application 10168
for a reduction in taxes for each year in which the dwelling is 10169
the applicant's homestead ~~and the amount of the reduction in~~ 10170
~~taxable value to which the applicant is entitled does not exceed~~ 10171
~~either the amount or percentage of the reduction to which the~~ 10172
~~applicant was entitled for the year in which the application was~~ 10173
~~first filed.~~ 10174

(2) An application for a reduction in taxes under division 10175
(B) of section 323.152 of the Revised Code shall be filed only if 10176
the homestead or manufactured or mobile home was transferred in 10177

the preceding year or did not qualify for and receive the 10178
reduction in taxes under that division for the preceding tax year. 10179
The application for homesteads transferred in the preceding year 10180
shall be incorporated into any form used by the county auditor to 10181
administer the tax law in respect to the conveyance of real 10182
property pursuant to section 319.20 of the Revised Code or of used 10183
manufactured homes or used mobile homes as defined in section 10184
5739.0210 of the Revised Code. The owner of a manufactured or 10185
mobile home who has elected under division (D)(4) of section 10186
4503.06 of the Revised Code to be taxed under division (D)(2) of 10187
that section for the ensuing year may file the application at the 10188
time of making that election. The application shall contain a 10189
statement that failure by the applicant to affirm on the 10190
application that the dwelling on the property conveyed is the 10191
applicant's homestead prohibits the owner from receiving the 10192
reduction in taxes until a proper application is filed within the 10193
period prescribed by division (A)(3) of this section. Such an 10194
application constitutes a continuing application for a reduction 10195
in taxes for each year in which the dwelling is the applicant's 10196
homestead. 10197

(3) Failure to receive a new application filed under division 10198
(A)(1) or (2) or notification under division (C) of this section 10199
after a certificate of reduction has been issued under section 10200
323.154 of the Revised Code, or failure to receive a new 10201
application filed under division (A)(1) or notification under 10202
division (C) of this section after a certificate of reduction has 10203
been issued under section 323.159 of the Revised Code, is 10204
prima-facie evidence that the original applicant is entitled to 10205
the reduction in taxes calculated on the basis of the information 10206
contained in the original application. The original application 10207
and any subsequent application, including any late application, 10208
shall be in the form of a signed statement and shall be filed 10209
after the first Monday in January and not later than the first 10210

Monday in June. The original application and any subsequent 10211
application for a reduction in real property taxes shall be filed 10212
in the year for which the reduction is sought. The original 10213
application and any subsequent application for a reduction in 10214
manufactured home taxes shall be filed in the year preceding the 10215
year for which the reduction is sought. The statement shall be on 10216
a form, devised and supplied by the tax commissioner, which shall 10217
require no more information than is necessary to establish the 10218
applicant's eligibility for the reduction in taxes and the amount 10219
of the reduction, and, for a certificate of reduction issued under 10220
section 323.154 of the Revised Code, shall include an affirmation 10221
by the applicant that ownership of the homestead was not acquired 10222
from a person, other than the applicant's spouse, related to the 10223
owner by consanguinity or affinity for the purpose of qualifying 10224
for the real property or manufactured home tax reduction provided 10225
for in division (A) or (B) of section 323.152 of the Revised Code. 10226
The form shall contain a statement that conviction of willfully 10227
falsifying information to obtain a reduction in taxes or failing 10228
to comply with division (C) of this section results in the 10229
revocation of the right to the reduction for a period of three 10230
years. ~~In the case of an application for a reduction in taxes 10231
under division (A) of section 323.152 of the Revised Code, the 10232
form shall contain a statement that signing the application 10233
constitutes a delegation of authority by the applicant to the 10234
county auditor to examine any financial records relating to income 10235
earned by the applicant as stated on the application for the 10236
purpose of determining a possible violation of division (D) or (E) 10237
of this section.~~ 10238

(B) A late application for a tax reduction for the year 10239
preceding the year in which an original application is filed, or 10240
for a reduction in manufactured home taxes for the year in which 10241
an original application is filed, may be filed with the original 10242
application. If the county auditor determines the information 10243

contained in the late application is correct, the auditor shall 10244
determine the amount of the reduction in taxes to which the 10245
applicant would have been entitled for the preceding tax year had 10246
the applicant's application been timely filed and approved in that 10247
year. 10248

The amount of such reduction shall be treated by the auditor 10249
as an overpayment of taxes by the applicant and shall be refunded 10250
in the manner prescribed in section 5715.22 of the Revised Code 10251
for making refunds of overpayments. On the first day of July of 10252
each year, the county auditor shall certify the total amount of 10253
the reductions in taxes made in the current year under this 10254
division to the tax commissioner, who shall treat the full amount 10255
thereof as a reduction in taxes for the preceding tax year and 10256
shall make reimbursement to the county therefor in the manner 10257
prescribed by section 323.156 of the Revised Code, from money 10258
appropriated for that purpose. 10259

(C)(1) If, in any year after an application has been filed 10260
under division (A)(1) or (2) of this section, the owner does not 10261
qualify for a reduction in taxes on the homestead or on the 10262
manufactured or mobile home set forth on such application, ~~or~~ 10263
~~qualifies for a reduction in taxes that is to be based upon a~~ 10264
~~reduction in taxable value less than either the percentage or~~ 10265
~~amount of the reduction in taxable value to which the owner was~~ 10266
~~entitled in the year the application was filed, the owner shall~~ 10267
notify the county auditor that the owner is not qualified for a 10268
reduction in taxes ~~or file a new application under division (A)(1)~~ 10269
~~or (2) of this section.~~ 10270

(2) If, in any year after an application has been filed under 10271
division (A)~~(1)~~ of this section, the occupant of a homestead in a 10272
housing cooperative does not qualify for a reduction in taxes on 10273
the homestead, the occupant shall notify the county auditor that 10274
the occupant is not qualified for a reduction in taxes or file a 10275

new application under division (A)~~(1)~~ of this section. 10276

(3) If the county auditor or county treasurer discovers that 10277
the owner of property not entitled to the reduction in taxes under 10278
division (B) of section 323.152 of the Revised Code failed to 10279
notify the county auditor as required by division (C)(1) of this 10280
section, a charge shall be imposed against the property in the 10281
amount by which taxes were reduced under that division for each 10282
tax year the county auditor ascertains that the property was not 10283
entitled to the reduction and was owned by the current owner. 10284
Interest shall accrue in the manner prescribed by division (B) of 10285
section 323.121 or division (G)(2) of section 4503.06 of the 10286
Revised Code on the amount by which taxes were reduced for each 10287
such tax year as if the reduction became delinquent taxes at the 10288
close of the last day the second installment of taxes for that tax 10289
year could be paid without penalty. The county auditor shall 10290
notify the owner, by ordinary mail, of the charge, of the owner's 10291
right to appeal the charge, and of the manner in which the owner 10292
may appeal. The owner may appeal the imposition of the charge and 10293
interest by filing an appeal with the county board of revision not 10294
later than the last day prescribed for payment of real and public 10295
utility property taxes under section 323.12 of the Revised Code 10296
following receipt of the notice and occurring at least ninety days 10297
after receipt of the notice. The appeal shall be treated in the 10298
same manner as a complaint relating to the valuation or assessment 10299
of real property under Chapter 5715. of the Revised Code. The 10300
charge and any interest shall be collected as other delinquent 10301
taxes. 10302

(4) Each year during January, the county auditor shall 10303
furnish by ordinary mail a continuing application to each person 10304
issued a certificate of reduction under section 323.154 or 323.159 10305
of the Revised Code with respect to a reduction in taxes under 10306
division (A) of section 323.152 of the Revised Code. The 10307

continuing application shall be used to report ~~changes in total~~ 10308
~~income that would have the effect of increasing or decreasing the~~ 10309
~~reduction in taxable value to which the person is entitled,~~ 10310
changes in ownership or occupancy of the homestead, including 10311
changes in or revocation of a revocable inter vivos trust, changes 10312
in disability, and other changes in the information earlier 10313
furnished the auditor relative to the reduction in taxes on the 10314
property. The continuing application shall be returned to the 10315
auditor not later than the first Monday in June; provided, that if 10316
such changes do not affect the status of the homestead exemption 10317
or the amount of the reduction to which the owner is entitled 10318
under division (A) of section 323.152 of the Revised Code or to 10319
which the occupant is entitled under section 323.159 of the 10320
Revised Code, the application does not need to be returned. 10321

(5) Each year during February, the county auditor, except as 10322
otherwise provided in this paragraph, shall furnish by ordinary 10323
mail an original application to the owner, as of the first day of 10324
January of that year, of a homestead or a manufactured or mobile 10325
home that transferred during the preceding calendar year and that 10326
qualified for and received a reduction in taxes under division (B) 10327
of section 323.152 of the Revised Code for the preceding tax year. 10328
In order to receive the reduction under that division, the owner 10329
shall file the application with the county auditor not later than 10330
the first Monday in June. If the application is not timely filed, 10331
the auditor shall not grant a reduction in taxes for the homestead 10332
for the current year, and shall notify the owner that the 10333
reduction in taxes has not been granted, in the same manner 10334
prescribed under section 323.154 of the Revised Code for 10335
notification of denial of an application. Failure of an owner to 10336
receive an application does not excuse the failure of the owner to 10337
file an original application. The county auditor is not required 10338
to furnish an application under this paragraph for any homestead 10339
for which application has previously been made on a form 10340

incorporated into any form used by the county auditor to 10341
administer the tax law in respect to the conveyance of real 10342
property or of used manufactured homes or used mobile homes, and 10343
an owner who previously has applied on such a form is not required 10344
to return an application furnished under this paragraph. 10345

(D) No person shall knowingly make a false statement for the 10346
purpose of obtaining a reduction in the person's real property or 10347
manufactured home taxes under section 323.152 of the Revised Code. 10348

(E) No person shall knowingly fail to notify the county 10349
auditor of changes required by division (C) of this section that 10350
have the effect of maintaining or securing a reduction ~~in taxable~~ 10351
~~value of homestead property or a reduction in taxes in excess of~~ 10352
~~the reduction allowed~~ under section 323.152 of the Revised Code. 10353

(F) No person shall knowingly make a false statement or 10354
certification attesting to any person's physical or mental 10355
condition for purposes of qualifying such person for tax relief 10356
pursuant to sections 323.151 to 323.159 of the Revised Code. 10357

Sec. 323.154. On or before the day the county auditor has 10358
completed the duties imposed by sections 319.30 to 319.302 of the 10359
Revised Code, the auditor shall issue a certificate of reduction 10360
in taxes in triplicate for each person who has complied with 10361
section 323.153 of the Revised Code and whose homestead, as 10362
defined in division (A)(1) of section 323.151 of the Revised Code, 10363
or manufactured or mobile home the auditor finds is entitled to a 10364
reduction in real property or manufactured home taxes for that 10365
year under section 323.152 of the Revised Code. Except as provided 10366
in section 323.159 of the Revised Code, in the case of a homestead 10367
entitled to a reduction under division (A) of that section, the 10368
certificate shall state the taxable value of the homestead on the 10369
first day of January of that year, the ~~amount of the reduction in~~ 10370
~~taxable value and the~~ total reduction in taxes for that year under 10371

that section, the tax rate that is applicable against such 10372
homestead for that year, and any other information the tax 10373
commissioner requires. In the case of a homestead or a 10374
manufactured or mobile home entitled to a reduction under division 10375
(B) of that section, the certificate shall state the total amount 10376
of the reduction in taxes for that year under that section and any 10377
other information the tax commissioner requires. The certificate 10378
for reduction in taxes shall be on a form approved by the 10379
commissioner. Upon issuance of such a certificate, the county 10380
auditor shall forward one copy and the original to the county 10381
treasurer and retain one copy. The county auditor also shall 10382
record the amount of reduction in taxes in the appropriate column 10383
on the general tax list and duplicate of real and public utility 10384
property and on the manufactured home tax list. 10385

If an application, late application, or continuing 10386
application is not approved, or if the county auditor otherwise 10387
determines that a homestead or a manufactured or mobile home does 10388
not qualify for a reduction in taxes under division (A) or (B) of 10389
section 323.152 of the Revised Code, the auditor shall notify the 10390
applicant of the reasons for denial not later than the first 10391
Monday in October. If an applicant believes that the application 10392
for reduction has been improperly denied or that the reduction is 10393
for less than that to which the applicant is entitled, the 10394
applicant may file an appeal with the county board of revision not 10395
later than the date of closing of the collection for the first 10396
half of real and public utility property taxes or manufactured 10397
home taxes. The appeal shall be treated in the same manner as a 10398
complaint relating to the valuation or assessment of real property 10399
under Chapter 5715. of the Revised Code. 10400

Sec. 325.31. (A) On the first business day of each month, and 10401
at the end of the officer's term of office, each officer named in 10402
section 325.27 of the Revised Code shall pay into the county 10403

treasury, to the credit of the general county fund, on the warrant 10404
of the county auditor, all fees, costs, penalties, percentages, 10405
allowances, and perquisites collected by the officer's office 10406
during the preceding month or part thereof for official services, 10407
except the fees allowed the county auditor by division ~~(B)~~(C) of 10408
section 319.54 of the Revised Code, which shall be paid into the 10409
county treasury to the credit of the real estate assessment fund 10410
hereby created. 10411

(B) Moneys to the credit of the real estate assessment fund 10412
may be expended, upon appropriation by the board of county 10413
commissioners, for the purpose of defraying one or more of the 10414
following: 10415

(1) The cost incurred by the county auditor in assessing real 10416
estate pursuant to Chapter 5713. of the Revised Code and 10417
manufactured and mobile homes pursuant to Chapter 4503. of the 10418
Revised Code; 10419

(2) At the county auditor's discretion, costs and expenses 10420
incurred by the county auditor in preparing the list of real and 10421
public utility property, in administering laws related to the 10422
taxation of real property and the levying of special assessments 10423
on real property, including administering reductions under 10424
Chapters 319. and 323. and section 4503.065 of the Revised Code, 10425
and to support assessments of real property in any administrative 10426
or judicial proceeding; 10427

(3) At the county auditor's discretion, the expenses incurred 10428
by the county board of revision under Chapter 5715. of the Revised 10429
Code; 10430

(4) At the county auditor's discretion, the expenses incurred 10431
by the county auditor for geographic information systems, mapping 10432
programs, and technological advances in those or similar systems 10433
or programs; 10434

(5) At the county auditor's discretion, expenses incurred by the county auditor in compiling the general tax list of tangible personal property and administering tangible personal property taxes under Chapters 5711. and 5719. of the Revised Code;

(6) At the county auditor's discretion, costs, expenses, and fees incurred by the county auditor in the administration of estate taxes under Chapter 5731. of the Revised Code and the amounts incurred under section 5731.41 of the Revised Code.

Any expenditures made from the real estate assessment fund shall comply with rules that the tax commissioner adopts under division (0) of section 5703.05 of the Revised Code. Those rules shall include a requirement that a copy of any appraisal plans, progress of work reports, contracts, or other documents required to be filed with the tax commissioner shall be filed also with the board of county commissioners.

The board of county commissioners shall not transfer moneys required to be deposited in the real estate assessment fund to any other fund. Following an assessment of real property pursuant to Chapter 5713. of the Revised Code, or an assessment of a manufactured or mobile home pursuant to Chapter 4503. of the Revised Code, any moneys not expended for the purpose of defraying the cost incurred in assessing real estate or manufactured or mobile homes or for the purpose of defraying the expenses described in divisions (B)(2), (3), (4), (5), and (6) of this section, and thereby remaining to the credit of the real estate assessment fund, shall be apportioned ratably and distributed to those taxing authorities that contributed to the fund. However, no such distribution shall be made if the amount of such unexpended moneys remaining to the credit of the real estate assessment fund does not exceed five thousand dollars.

(C) None of the officers named in section 325.27 of the Revised Code shall collect any fees from the county. Each of such

officers shall, at the end of each calendar year, make and file a 10467
sworn statement with the board of county commissioners of all such 10468
fees, costs, penalties, percentages, allowances, and perquisites 10469
which have been due in the officer's office and unpaid for more 10470
than one year prior to the date such statement is required to be 10471
made. 10472

Sec. 329.04. (A) The county department of job and family 10473
services shall have, exercise, and perform the following powers 10474
and duties: 10475

(1) Perform any duties assigned by the state department of 10476
job and family services regarding the provision of public family 10477
services, including the provision of the following services to 10478
prevent or reduce economic or personal dependency and to 10479
strengthen family life: 10480

(a) Services authorized by a Title IV-A program, as defined 10481
in section 5101.80 of the Revised Code; 10482

(b) Social services authorized by Title XX of the "Social 10483
Security Act" and provided for by section 5101.46 or 5101.461 of 10484
the Revised Code; 10485

(c) If the county department is designated as the child 10486
support enforcement agency, services authorized by Title IV-D of 10487
the "Social Security Act" and provided for by Chapter 3125. of the 10488
Revised Code. The county department may perform the services 10489
itself or contract with other government entities, and, pursuant 10490
to division (C) of section 2301.35 and section 2301.42 of the 10491
Revised Code, private entities, to perform the Title IV-D 10492
services. 10493

(d) Duties assigned under section 5111.98 of the Revised 10494
Code. 10495

(2) Administer disability financial assistance, as required 10496

by the state department of job and family services under section	10497
5115.03 of the Revised Code;	10498
(3) Administer disability medical assistance, as required by	10499
the state department of job and family services under section	10500
5115.13 of the Revised Code;	10501
(4) Administer burials insofar as the administration of	10502
burials was, prior to September 12, 1947, imposed upon the board	10503
of county commissioners and if otherwise required by state law;	10504
(5) Cooperate with state and federal authorities in any	10505
matter relating to family services and to act as the agent of such	10506
authorities;	10507
(6) Submit an annual account of its work and expenses to the	10508
board of county commissioners and to the state department of job	10509
and family services at the close of each fiscal year;	10510
(7) Exercise any powers and duties relating to family	10511
services duties or workforce development activities imposed upon	10512
the county department of job and family services by law, by	10513
resolution of the board of county commissioners, or by order of	10514
the governor, when authorized by law, to meet emergencies during	10515
war or peace;	10516
(8) Determine the eligibility for medical assistance of	10517
recipients of aid under Title XVI of the "Social Security Act";	10518
(9) If assigned by the state director of job and family	10519
services under section 5101.515 of the Revised Code, determine	10520
applicants' eligibility for health assistance under the children's	10521
health insurance program part II;	10522
(10) Enter into a plan of cooperation with the board of	10523
county commissioners under section 307.983, consult with the board	10524
in the development of the transportation work plan developed under	10525
section 307.985, establish with the board procedures under section	10526

307.986 for providing services to children whose families relocate 10527
frequently, and comply with the contracts the board enters into 10528
under sections 307.981 and 307.982 of the Revised Code that affect 10529
the county department; 10530

(11) For the purpose of complying with a ~~fiscal~~ grant 10531
agreement the board of county commissioners enters into under 10532
~~section~~ sections 307.98 and 5101.21 of the Revised Code, exercise 10533
the powers and perform the duties the ~~fiscal~~ grant agreement 10534
assigns to the county department; 10535

(12) If the county department is designated as the workforce 10536
development agency, provide the workforce development activities 10537
specified in the contract required by section 330.05 of the 10538
Revised Code; 10539

(13) Perform administrative functions of the nonfederal 10540
medical assistance program, as required under section 5114.05 of 10541
the Revised Code. 10542

(B) The powers and duties of a county department of job and 10543
family services are, and shall be exercised and performed, under 10544
the control and direction of the board of county commissioners. 10545
The board may assign to the county department any power or duty of 10546
the board regarding family services duties and workforce 10547
development activities. If the new power or duty necessitates the 10548
state department of job and family services changing its federal 10549
cost allocation plan, the county department may not implement the 10550
power or duty unless the United States department of health and 10551
human services approves the changes. 10552

Sec. 329.05. The county department of job and family services 10553
may administer or assist in administering any state or local 10554
family services duty in addition to those mentioned in section 10555
329.04 of the Revised Code, supported wholly or in part by public 10556
funds from any source provided by agreement between the board of 10557

county commissioners and the officer, department, board, or agency 10558
in which the administration of such activity is vested. Such 10559
officer, department, board, or agency may enter into such 10560
agreement and confer upon the county department of job and family 10561
services, to the extent and in particulars specified in the 10562
agreement, the performance of any duties and the exercise of any 10563
powers imposed upon or vested in such officer, board, department, 10564
or agency, with respect to the administration of such activity. 10565
Such agreement shall be in the form of a resolution of the board 10566
of county commissioners, accepted in writing by the other party to 10567
the agreement, and filed in the office of the county auditor, and 10568
when so filed, shall have the effect of transferring the exercise 10569
of the powers and duties to which the agreement relates and shall 10570
exempt the other party from all further responsibility for the 10571
exercise of the powers and duties so transferred, during the life 10572
of the agreement. 10573

Such agreement shall be coordinated and not conflict with a 10574
~~fiscal grant~~ agreement entered into under ~~section~~ sections 307.98 10575
and 5101.21, a contract entered into under section 307.981 or 10576
307.982, a plan of cooperation entered into under section 307.983, 10577
a regional plan of cooperation entered into under section 307.984, 10578
a transportation work plan developed under section 307.985, or 10579
procedures for providing services to children whose families 10580
relocate frequently established under section 307.986 of the 10581
Revised Code. It may be revoked at the option of either party, by 10582
a resolution or order of the revoking party filed in the office of 10583
the auditor. Such revocation shall become effective at the end of 10584
the fiscal year occurring at least six months following the filing 10585
of the resolution or order. In the absence of such an express 10586
revocation so filed, the agreement shall continue indefinitely. 10587

This section does not permit a county department of job and 10588
family services to manage or control hospitals, humane societies, 10589

detention facilities, jails or probation departments of courts, or 10590
veterans service commissions. 10591

Sec. 329.051. The county department of job and family 10592
services shall make voter registration applications as prescribed 10593
by the secretary of state under section 3503.10 of the Revised 10594
Code available to persons who are applying for, receiving 10595
assistance from, or participating in any of the following: 10596

(A) The disability financial assistance program established 10597
under Chapter 5115. of the Revised Code; 10598

(B) The disability medical assistance program established 10599
under Chapter 5115. of the Revised Code; 10600

(C) The medical assistance program established under Chapter 10601
5111. of the Revised Code; 10602

(D) The Ohio works first program established under Chapter 10603
5107. of the Revised Code; 10604

(E) The prevention, retention, and contingency program 10605
established under Chapter 5108. of the Revised Code; 10606

(F) The nonfederal medical assistance program established 10607
under Chapter 5114. of the Revised Code. 10608

Sec. 329.14. (A) An individual whose household income does 10609
not exceed ~~one~~ two hundred ~~fifty~~ per cent of the federal poverty 10610
line is eligible to participate in an individual development 10611
account program established by the county department of job and 10612
family services of the county in which the individual resides. An 10613
eligible individual seeking to be a participant in the program 10614
shall enter into an agreement with the fiduciary organization 10615
administering the program. The agreement shall specify the terms 10616
and conditions of uses of funds deposited, financial documentation 10617
required to be maintained by the participant, expectations and 10618

responsibilities of the participant, and services to be provided 10619
by the fiduciary organization. 10620

(B) A participant may deposit earned income, as defined in 26 10621
U.S.C. 911(d)(2), as amended, into the account. The fiduciary 10622
organization may deposit into the account an amount not exceeding 10623
~~twice~~ four times the amount deposited by the participant except 10624
that a fiduciary organization may not, pursuant to an agreement 10625
with an employer, deposit an amount into an account held by a 10626
participant who is employed by the employer. An account may have 10627
no more than ten thousand dollars in it at any time. 10628

(C) Notwithstanding eligibility requirements established in 10629
or pursuant to Chapter 5107., 5108., or 5111. of the Revised Code, 10630
to the extent permitted by federal statutes and regulations, money 10631
in an individual development account, including interest, is 10632
exempt from consideration in determining whether the participant 10633
or a member of the participant's assistance group is eligible for 10634
assistance under Chapter 5107., 5108., or 5111. of the Revised 10635
Code and the amount of assistance the participant or assistance 10636
group is eligible to receive. 10637

(D)(1) Except as provided in division (D)(2) of this section, 10638
an individual development account program participant may use 10639
money in the account only for the following purposes: 10640

(a) Postsecondary educational expenses paid directly from the 10641
account to an eligible education institution or vendor; 10642

(b) Qualified acquisition expenses of a principal residence, 10643
as defined in 26 U.S.C. 1034, as amended, paid directly from the 10644
account to the person or government entity to which the expenses 10645
are due; 10646

(c) Qualified business capitalization expenses made in 10647
accordance with a qualified business plan that has been approved 10648
by a financial institution or by a nonprofit microenterprise 10649

program having demonstrated business expertise and paid directly 10650
from the account to the person to whom the expenses are due. 10651

(2) A fiduciary organization shall permit a participant to 10652
withdraw money deposited by the participant if it is needed to 10653
deal with a personal emergency of the participant or a member of 10654
the participant's family or household. Withdrawal shall result in 10655
the loss of any matching funds in an amount equal to the amount of 10656
the withdrawal. 10657

(3) Regardless of the reason for the withdrawal, a withdrawal 10658
from an individual development account may be made only with the 10659
approval of the fiduciary organization. 10660

Sec. 340.03. (A) Subject to rules issued by the director of 10661
mental health after consultation with relevant constituencies as 10662
required by division (A)(11) of section 5119.06 of the Revised 10663
Code, with regard to mental health services, the board of alcohol, 10664
drug addiction, and mental health services shall: 10665

(1) Serve as the community mental health planning agency for 10666
the county or counties under its jurisdiction, and in so doing it 10667
shall: 10668

(a) Evaluate the need for facilities and community mental 10669
health services; 10670

(b) In cooperation with other local and regional planning and 10671
funding bodies and with relevant ethnic organizations, assess the 10672
community mental health needs, set priorities, and develop plans 10673
for the operation of facilities and community mental health 10674
services; 10675

(c) In accordance with guidelines issued by the director of 10676
mental health after consultation with board representatives, 10677
develop and submit to the department of mental health, no later 10678
than six months prior to the conclusion of the fiscal year in 10679

which the board's current plan is scheduled to expire, a community 10680
mental health plan listing community mental health needs, 10681
including the needs of all residents of the district now residing 10682
in state mental institutions and severely mentally disabled 10683
adults, children, and adolescents; all children subject to a 10684
determination made pursuant to section 121.38 of the Revised Code; 10685
and all the facilities and community mental health services that 10686
are or will be in operation or provided during the period for 10687
which the plan will be in operation in the service district to 10688
meet such needs. 10689

The plan shall include, but not be limited to, a statement of 10690
which of the services listed in section 340.09 of the Revised Code 10691
the board intends to make available. The board must include crisis 10692
intervention services for individuals in an emergency situation in 10693
the plan and explain how the board intends to make such services 10694
available. The plan must also include an explanation of how the 10695
board intends to make any payments that it may be required to pay 10696
under section 5119.62 of the Revised Code, a statement of the 10697
inpatient and community-based services the board proposes that the 10698
department operate, an assessment of the number and types of 10699
residential facilities needed, such other information as the 10700
department requests, and a budget for moneys the board expects to 10701
receive. The board shall also submit an allocation request for 10702
state and federal funds. Within sixty days after the department's 10703
determination that the plan and allocation request are complete, 10704
the department shall approve or disapprove the plan and request, 10705
in whole or in part, according to the criteria developed pursuant 10706
to section 5119.61 of the Revised Code. The department's statement 10707
of approval or disapproval shall specify the inpatient and the 10708
community-based services that the department will operate for the 10709
board. 10710

Eligibility for state and federal funding shall be contingent 10711

upon an approved plan or relevant part of a plan. The department 10712
may provide state and federal funding for services ~~included in a~~ 10713
~~plan~~ only if the services are ~~for individuals whose focus of~~ 10714
provided as treatment or prevention is of a mental disorder 10715
according to the edition of the American psychiatric association's 10716
diagnostic and statistical manual of mental disorders that is 10717
current at the time the funding is provided. ~~This shall include~~ 10718
~~such services for individuals who have a mental disorder and a~~ 10719
~~co-occurring substance use disorder, substance induced disorder,~~ 10720
~~chronic dementing organic mental disorder, mental retardation, or~~ 10721
~~developmental disability. The department may not provide state or~~ 10722
~~federal funding under a plan for a service for individuals whose~~ 10723
~~focus of treatment or prevention is solely, except that the~~ 10724
department may not provide state or federal funding for a service 10725
provided as treatment or prevention of any of the following, even 10726
if it appears in the manual as a mental disorder: a substance use 10727
disorder, substance-induced disorder, chronic dementing organic 10728
mental disorder, mental retardation, or developmental disability. 10729
In the case of an individual who requires services for the 10730
treatment or prevention of both one or more mental disorders for 10731
which the department may provide funding and one or more mental 10732
disorders for which the department may not provide funding, the 10733
department may provide funding only for the portion of the 10734
services for which funding is permitted by this section. 10735

If the director disapproves all or part of any plan, the 10736
director shall inform the board of the reasons for the disapproval 10737
and of the criteria that must be met before the plan may be 10738
approved. The director shall provide the board an opportunity to 10739
present its case on behalf of the plan. The director shall give 10740
the board a reasonable time in which to meet the criteria, and 10741
shall offer the board technical assistance to help it meet the 10742
criteria. 10743

If the approval of a plan remains in dispute thirty days prior to the conclusion of the fiscal year in which the board's current plan is scheduled to expire, the board or the director may request that the dispute be submitted to a mutually agreed upon third-party mediator with the cost to be shared by the board and the department. The mediator shall issue to the board and the department recommendations for resolution of the dispute. Prior to the conclusion of the fiscal year in which the current plan is scheduled to expire, the director, taking into consideration the recommendations of the mediator, shall make a final determination and approve or disapprove the plan, in whole or in part.

If a board determines that it is necessary to amend a plan or an allocation request that has been approved under division (A)(1)(c) of this section, the board shall submit a proposed amendment to the director. The director may approve or disapprove all or part of the amendment. If the director does not approve all or part of the amendment within thirty days after it is submitted, the amendment or part of it shall be considered to have been approved. The director shall inform the board of the reasons for disapproval of all or part of an amendment and of the criteria that must be met before the amendment may be approved. The director shall provide the board an opportunity to present its case on behalf of the amendment. The director shall give the board a reasonable time in which to meet the criteria, and shall offer the board technical assistance to help it meet the criteria.

The board shall implement the plan approved by the department.

(d) Receive, compile, and transmit to the department of mental health applications for state reimbursement;

(e) Promote, arrange, and implement working agreements with social agencies, both public and private, and with judicial agencies.

(2) Investigate, or request another agency to investigate, 10776
any complaint alleging abuse or neglect of any person receiving 10777
services from a community mental health agency as defined in 10778
section 5122.01 of the Revised Code, or from a residential 10779
facility licensed under section 5119.22 of the Revised Code. If 10780
the investigation substantiates the charge of abuse or neglect, 10781
the board shall take whatever action it determines is necessary to 10782
correct the situation, including notification of the appropriate 10783
authorities. Upon request, the board shall provide information 10784
about such investigations to the department. 10785

(3) For the purpose of section 5119.611 of the Revised Code, 10786
cooperate with the director of mental health in visiting and 10787
evaluating whether the services of a community mental health 10788
agency satisfy the certification standards established by rules 10789
adopted under that section; 10790

(4) In accordance with criteria established under division 10791
(G) of section 5119.61 of the Revised Code, review and evaluate 10792
the quality, effectiveness, and efficiency of services provided 10793
through its community mental health plan and submit its findings 10794
and recommendations to the department of mental health; 10795

(5) In accordance with section 5119.22 of the Revised Code, 10796
review applications for residential facility licenses and 10797
recommend to the department of mental health approval or 10798
disapproval of applications; 10799

(6) Audit, in accordance with rules adopted by the auditor of 10800
state pursuant to section 117.20 of the Revised Code, at least 10801
annually all programs and services provided under contract with 10802
the board. In so doing, the board may contract for or employ the 10803
services of private auditors. A copy of the fiscal audit report 10804
shall be provided to the director of mental health, the auditor of 10805
state, and the county auditor of each county in the board's 10806
district. 10807

(7) Recruit and promote local financial support for mental health programs from private and public sources;

(8)(a) Enter into contracts with public and private facilities for the operation of facility services included in the board's community mental health plan and enter into contracts with public and private community mental health agencies for the provision of community mental health services that are listed in section 340.09 of the Revised Code and included in the board's community mental health plan. The board may not contract with a community mental health agency to provide community mental health services included in the board's community mental health plan unless the services are certified by the director of mental health under section 5119.611 of the Revised Code. Section 307.86 of the Revised Code does not apply to contracts entered into under this division. In contracting with a community mental health agency, a board shall consider the cost effectiveness of services provided by that agency and the quality and continuity of care, and may review cost elements, including salary costs, of the services to be provided. A utilization review process shall be established as part of the contract for services entered into between a board and a community mental health agency. The board may establish this process in a way that is most effective and efficient in meeting local needs. In the case of a contract with a community mental health facility, as defined in section 5111.023 of the Revised Code, to provide services listed in division (B) of that section, the contract shall provide for the facility to be paid in accordance with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and any rules adopted under division (A) of section 5119.61 of the Revised Code.

If either the board or a facility or community mental health agency with which the board contracts under division (A)(8)(a) of

this section proposes not to renew the contract or proposes 10840
substantial changes in contract terms, the other party shall be 10841
given written notice at least one hundred twenty days before the 10842
expiration date of the contract. During the first sixty days of 10843
this one hundred twenty-day period, both parties shall attempt to 10844
resolve any dispute through good faith collaboration and 10845
negotiation in order to continue to provide services to persons in 10846
need. If the dispute has not been resolved sixty days before the 10847
expiration date of the contract, either party may notify the 10848
department of mental health of the unresolved dispute. The 10849
director may require both parties to submit the dispute to a third 10850
party with the cost to be shared by the board and the facility or 10851
community mental health agency. The third party shall issue to the 10852
board, the facility or agency, and the department recommendations 10853
on how the dispute may be resolved twenty days prior to the 10854
expiration date of the contract, unless both parties agree to a 10855
time extension. The director shall adopt rules establishing the 10856
procedures of this dispute resolution process. 10857

(b) With the prior approval of the director of mental health, 10858
a board may operate a facility or provide a community mental 10859
health service as follows, if there is no other qualified private 10860
or public facility or community mental health agency that is 10861
immediately available and willing to operate such a facility or 10862
provide the service: 10863

(i) In an emergency situation, any board may operate a 10864
facility or provide a community mental health service in order to 10865
provide essential services for the duration of the emergency; 10866

(ii) In a service district with a population of at least one 10867
hundred thousand but less than five hundred thousand, a board may 10868
operate a facility or provide a community mental health service 10869
for no longer than one year; 10870

(iii) In a service district with a population of less than 10871

one hundred thousand, a board may operate a facility or provide a 10872
community mental health service for no longer than one year, 10873
except that such a board may operate a facility or provide a 10874
community mental health service for more than one year with the 10875
prior approval of the director and the prior approval of the board 10876
of county commissioners, or of a majority of the boards of county 10877
commissioners if the district is a joint-county district. 10878

The director shall not give a board approval to operate a 10879
facility or provide a community mental health service under 10880
division (A)(8)(b)(ii) or (iii) of this section unless the 10881
director determines that it is not feasible to have the department 10882
operate the facility or provide the service. 10883

The director shall not give a board approval to operate a 10884
facility or provide a community mental health service under 10885
division (A)(8)(b)(iii) of this section unless the director 10886
determines that the board will provide greater administrative 10887
efficiency and more or better services than would be available if 10888
the board contracted with a private or public facility or 10889
community mental health agency. 10890

The director shall not give a board approval to operate a 10891
facility previously operated by a person or other government 10892
entity unless the board has established to the director's 10893
satisfaction that the person or other government entity cannot 10894
effectively operate the facility or that the person or other 10895
government entity has requested the board to take over operation 10896
of the facility. The director shall not give a board approval to 10897
provide a community mental health service previously provided by a 10898
community mental health agency unless the board has established to 10899
the director's satisfaction that the agency cannot effectively 10900
provide the service or that the agency has requested the board 10901
take over providing the service. 10902

The director shall review and evaluate a board's operation of 10903

a facility and provision of community mental health service under 10904
division (A)(8)(b) of this section. 10905

Nothing in division (A)(8)(b) of this section authorizes a 10906
board to administer or direct the daily operation of any facility 10907
or community mental health agency, but a facility or agency may 10908
contract with a board to receive administrative services or staff 10909
direction from the board under the direction of the governing body 10910
of the facility or agency. 10911

(9) Approve fee schedules and related charges or adopt a unit 10912
cost schedule or other methods of payment for contract services 10913
provided by community mental health agencies in accordance with 10914
guidelines issued by the department as necessary to comply with 10915
state and federal laws pertaining to financial assistance; 10916

(10) Submit to the director and the county commissioners of 10917
the county or counties served by the board, and make available to 10918
the public, an annual report of the programs under the 10919
jurisdiction of the board, including a fiscal accounting; 10920

(11) Establish, to the extent resources are available, a 10921
community support system, which provides for treatment, support, 10922
and rehabilitation services and opportunities. The essential 10923
elements of the system include, but are not limited to, the 10924
following components in accordance with section 5119.06 of the 10925
Revised Code: 10926

(a) To locate persons in need of mental health services to 10927
inform them of available services and benefits mechanisms; 10928

(b) Assistance for clients to obtain services necessary to 10929
meet basic human needs for food, clothing, shelter, medical care, 10930
personal safety, and income; 10931

(c) Mental health care, including, but not limited to, 10932
outpatient, partial hospitalization, and, where appropriate, 10933
inpatient care; 10934

(d) Emergency services and crisis intervention;	10935
(e) Assistance for clients to obtain vocational services and opportunities for jobs;	10936 10937
(f) The provision of services designed to develop social, community, and personal living skills;	10938 10939
(g) Access to a wide range of housing and the provision of residential treatment and support;	10940 10941
(h) Support, assistance, consultation, and education for families, friends, consumers of mental health services, and others;	10942 10943 10944
(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and meaningful employment as natural supports for consumers of mental health services;	10945 10946 10947 10948 10949
(j) Grievance procedures and protection of the rights of consumers of mental health services;	10950 10951
(k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.	10952 10953 10954
(12) Designate the treatment program, agency, or facility for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code and authorize payment for such treatment. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the services listed in section 340.09 of the Revised Code are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for services, which may include prior authorization in	10955 10956 10957 10958 10959 10960 10961 10962 10963 10964

appropriate circumstances. The board may provide for services 10965
directly to a severely mentally disabled person when life or 10966
safety is endangered and when no community mental health agency is 10967
available to provide the service. 10968

(13) Establish a method for evaluating referrals for 10969
involuntary commitment and affidavits filed pursuant to section 10970
5122.11 of the Revised Code in order to assist the probate 10971
division of the court of common pleas in determining whether there 10972
is probable cause that a respondent is subject to involuntary 10973
hospitalization and what alternative treatment is available and 10974
appropriate, if any; 10975

(14) Ensure that apartments or rooms built, subsidized, 10976
renovated, rented, owned, or leased by the board or a community 10977
mental health agency have been approved as meeting minimum fire 10978
safety standards and that persons residing in the rooms or 10979
apartments are receiving appropriate and necessary services, 10980
including culturally relevant services, from a community mental 10981
health agency. This division does not apply to residential 10982
facilities licensed pursuant to section 5119.22 of the Revised 10983
Code. 10984

(15) Establish a mechanism for involvement of consumer 10985
recommendation and advice on matters pertaining to mental health 10986
services in the alcohol, drug addiction, and mental health service 10987
district; 10988

(16) Perform the duties under section 3722.18 of the Revised 10989
Code required by rules adopted under section 5119.61 of the 10990
Revised Code regarding referrals by the board or mental health 10991
agencies under contract with the board of individuals with mental 10992
illness or severe mental disability to adult care facilities and 10993
effective arrangements for ongoing mental health services for the 10994
individuals. The board is accountable in the manner specified in 10995
the rules for ensuring that the ongoing mental health services are 10996

effectively arranged for the individuals. 10997

(B) The board shall establish such rules, operating 10998
procedures, standards, and bylaws, and perform such other duties 10999
as may be necessary or proper to carry out the purposes of this 11000
chapter. 11001

(C) A board of alcohol, drug addiction, and mental health 11002
services may receive by gift, grant, devise, or bequest any 11003
moneys, lands, or property for the benefit of the purposes for 11004
which the board is established, and may hold and apply it 11005
according to the terms of the gift, grant, or bequest. All money 11006
received, including accrued interest, by gift, grant, or bequest 11007
shall be deposited in the treasury of the county, the treasurer of 11008
which is custodian of the alcohol, drug addiction, and mental 11009
health services funds to the credit of the board and shall be 11010
available for use by the board for purposes stated by the donor or 11011
grantor. 11012

(D) No board member or employee of a board of alcohol, drug 11013
addiction, and mental health services shall be liable for injury 11014
or damages caused by any action or inaction taken within the scope 11015
of the board member's official duties or the employee's 11016
employment, whether or not such action or inaction is expressly 11017
authorized by this section, section 340.033, or any other section 11018
of the Revised Code, unless such action or inaction constitutes 11019
willful or wanton misconduct. Chapter 2744. of the Revised Code 11020
applies to any action or inaction by a board member or employee of 11021
a board taken within the scope of the board member's official 11022
duties or employee's employment. For the purposes of this 11023
division, the conduct of a board member or employee shall not be 11024
considered willful or wanton misconduct if the board member or 11025
employee acted in good faith and in a manner that the board member 11026
or employee reasonably believed was in or was not opposed to the 11027
best interests of the board and, with respect to any criminal 11028

action or proceeding, had no reasonable cause to believe the 11029
conduct was unlawful. 11030

(E) The meetings held by any committee established by a board 11031
of alcohol, drug addiction, and mental health services shall be 11032
considered to be meetings of a public body subject to section 11033
121.22 of the Revised Code. 11034

Sec. 709.191. In lieu of making any of the payments required 11035
by section 709.19 of the Revised Code and for any proposed 11036
annexation which does not require payments under that section, the 11037
legislative authority of a municipal corporation which proposes to 11038
annex unincorporated territory of a township may enter into an 11039
agreement with the board of township trustees of the township in 11040
which the territory to be annexed is located, whereby the 11041
municipal corporation agrees to make an annual payment to the 11042
township to compensate for lost tax revenues. The agreement shall 11043
set forth the amount of the annual payment and the number of 11044
payments to be made. 11045

If a municipal corporation fails to make an annual payment 11046
pursuant to an agreement entered into under this section, the 11047
board of township trustees shall notify the county budget 11048
commission in writing of the amount owed by the municipal 11049
corporation to the township. The county budget commission shall 11050
reduce the amount apportioned to the municipal corporation from 11051
the undivided local ~~government~~ communities fund pursuant to 11052
section 5747.51 or 5747.53 of the Revised Code by the amount of 11053
the payment due the township under the municipal-township 11054
agreement and shall increase, by an amount equal to this 11055
reduction, the amount apportioned to the township from the 11056
undivided local ~~government~~ communities fund. 11057

Sec. 718.051. (A) As used in this section, "Ohio business 11058

gateway" means the online computer network system, ~~initially~~ 11059
~~created~~ maintained by the ~~department of administrative services~~ 11060
office of information technology under section ~~125.30~~ 126.18 of 11061
the Revised Code, that allows private businesses to electronically 11062
file business reply forms with state agencies and includes any 11063
successor electronic filing and payment system. 11064

(B) Notwithstanding section 718.05 of the Revised Code, on 11065
and after January 1, 2005, any taxpayer that is subject to any 11066
municipal corporation's tax on the net profit from a business or 11067
profession and has received an extension to file the federal 11068
income tax return shall not be required to notify the municipal 11069
corporation of the federal extension and shall not be required to 11070
file any municipal income tax return until the last day of the 11071
month to which the due date for filing the federal return has been 11072
extended, provided that, on or before the date for filing the 11073
municipal income tax return, the person notifies the tax 11074
commissioner of the federal extension through the Ohio business 11075
gateway. An extension of time to file is not an extension of the 11076
time to pay any tax due. 11077

(C) For taxable years beginning on or after January 1, 2005, 11078
a taxpayer subject to any municipal corporation's tax on the net 11079
profit from a business or profession may file any municipal income 11080
tax return or estimated municipal income return, and may make 11081
payment of amounts shown to be due on such returns, by using the 11082
Ohio business gateway. 11083

(D)(1) As used in this division, "qualifying wages" has the 11084
same meaning as in section 718.03 of the Revised Code. 11085

(2) Any employer may report the amount of municipal income 11086
tax withheld from qualifying wages paid on or after January 1, 11087
2007, and may make remittance of such amounts, by using the Ohio 11088
business gateway. 11089

(E) Nothing in this section affects the due dates for filing employer withholding tax returns. 11090
11091

(F) No municipal corporation shall be required to pay any fee or charge for the operation or maintenance of the Ohio business gateway. 11092
11093
11094

(G) The use of the Ohio business gateway by municipal corporations, taxpayers, or other persons pursuant to this section does not affect the legal rights of municipalities or taxpayers as otherwise permitted by law. This state shall not be a party to the administration of municipal income taxes or to an appeal of a municipal income tax matter, except as otherwise specifically provided by law. 11095
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(H)(1) The tax commissioner shall adopt rules establishing: 11102

(a) The format of documents to be used by taxpayers to file returns and make payments through the Ohio business gateway; and 11103
11104

(b) The information taxpayers must submit when filing municipal income tax returns through the Ohio business gateway. 11105
11106

(2) The commissioner shall consult with the Ohio business gateway steering committee before adopting the rules described in division (H)(1) of this section. 11107
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(I) Nothing in this section shall be construed as limiting or removing the ability of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax. 11110
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Sec. 742.301. Each employer shall promptly pay the amount due on the accrued liability on the dates fixed by the board of trustees of the Ohio police and fire pension fund. Upon certification by the board that payment of an employer's accrued liability has not been paid within thirty days following the date a payment is due, a penalty of five per cent of the amount due shall be assessed against such employer. If the payment and 11113
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penalty have not been paid within ninety days following the date a 11120
payment is due, annual interest at six per cent shall be assessed 11121
against the payment and penalty from the date that the payment is 11122
due. 11123

Upon certification by the board to the superintendent of 11124
liquor control or the county auditor of an amount due from any 11125
employer who is subject to this chapter by reason of such 11126
employer's delinquency in making payments on the accrued 11127
liability, the amount due shall be withheld from the employer from 11128
liquor control permit fees to be distributed to that employer 11129
according to Chapter 4301. of the Revised Code or from the local 11130
~~government~~ communities fund allocated for distribution to that 11131
employer by the county budget commission in accordance with 11132
Chapter 5739. of the Revised Code. Upon receipt of the 11133
certification from the board, the superintendent or county auditor 11134
shall provide for payment against such funds in favor of the Ohio 11135
police and fire pension fund for the certified amount due and any 11136
penalty and interest thereon. 11137

Sec. 901.261. The director of agriculture, in conducting 11138
investigations, inquiries, or hearings, may assess the party to an 11139
action that is brought before the department of agriculture 11140
pursuant to Chapter 119. of the Revised Code the actual costs 11141
incurred by the department for depositions, investigations, 11142
issuance and service of subpoenas, witness fees, employment of a 11143
stenographer and hearing officer, and the production of books, 11144
accounts, papers, records, documents, and testimony if the 11145
applicable hearing officer determines that the party to the action 11146
has failed to comply with any chapter of the Revised Code or any 11147
rule adopted under any of those chapters that is administered by 11148
the director or if the hearing officer determines that the action 11149
was frivolous conduct by the party. Assessment of costs under this 11150
section may be appealed to a court of competent jurisdiction. 11151

Sec. 1306.20. (A) Subject to section 1306.11 of the Revised Code, each state agency shall determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

(B)(1) Subject to division (B)(2) of this section, a state agency may waive a requirement in the Revised Code, other than a requirement in sections 1306.01 to 1306.15 of the Revised Code, that relates to any of the following:

(a) The method of posting or displaying records;

(b) The manner of sending, communicating, or transmitting records;

(c) The manner of formatting records.

(2) A state agency may exercise its authority to waive a requirement under division (B)(1) of this section only if the following apply:

(a) The requirement relates to a matter over which the state agency has jurisdiction;

(b) The waiver is consistent with criteria set forth in rules adopted by the state agency. The criteria, to the extent reasonable under the circumstances, shall contain standards to facilitate the use of electronic commerce by persons under the jurisdiction of the state agency consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.

(C) If a state agency creates, uses, receives, or retains electronic records, both of the following apply:

(1) Any rules adopted by a state agency relating to electronic records shall be consistent with rules adopted by the

~~department of administrative services~~ office of information 11182
technology pursuant to division (A) of section 1306.21 of the 11183
Revised Code. 11184

(2) Each state agency shall create, use, receive, and retain 11185
electronic records in accordance with section 149.40 of the 11186
Revised Code. 11187

(D) If a state agency creates, uses, or receives electronic 11188
signatures, the state agency shall create, use, or receive the 11189
signatures in accordance with rules adopted by the ~~department of~~ 11190
~~administrative services~~ office of information technology pursuant 11191
to division (A) of section 1306.21 of the Revised Code. 11192

(E)(1) To the extent a state agency retains an electronic 11193
record, the state agency may retain a record in a format that is 11194
different from the format in which the record was originally 11195
created, used, sent, or received only if it can be demonstrated 11196
that the alternative format used accurately and completely 11197
reflects the record as it was originally created, used, sent, or 11198
received. 11199

(2) If a state agency in retaining any set of electronic 11200
records pursuant to division (E)(1) of this section alters the 11201
format of the records, the state agency shall create a certificate 11202
of authenticity for each set of records that is altered. 11203

(3) The ~~department of administrative services~~ office of 11204
information technology, in consultation with the state archivist, 11205
shall adopt rules in accordance with section 111.15 of the Revised 11206
Code that establish the methods for creating certificates of 11207
authenticity pursuant to division (E)(2) of this section. 11208

(F) Whenever any rule of law requires or authorizes the 11209
filing of any information, notice, lien, or other document or 11210
record with any state agency, a filing made by an electronic 11211
record shall have the same force and effect as a filing made on 11212

paper in all cases where the state agency has authorized or agreed 11213
to such electronic filing and the filing is made in accordance 11214
with applicable rules or agreement. 11215

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 11216
Code shall be construed to require any state agency to use or 11217
permit the use of electronic records and electronic signatures. 11218

(H)(1) Notwithstanding division (C)(1) or (D) of this 11219
section, any state agency that, prior to ~~the effective date of~~ 11220
~~this section~~ September 14, 2000, used or permitted the use of 11221
electronic records or electronic signatures pursuant to laws 11222
enacted, rules adopted, or agency policies adopted before ~~the~~ 11223
~~effective date of this section~~ September 14, 2000, may use or 11224
permit the use of electronic records or electronic signatures 11225
pursuant to those previously enacted laws, adopted rules, or 11226
adopted policies for a period of two years after ~~the effective~~ 11227
~~date of this section~~ September 14, 2000. 11228

(2) Subject to division (H)(3) of this section, after the 11229
two-year period described in division (H)(1) of this section has 11230
concluded, all state agencies that use or permit the use of 11231
electronic records or electronic signatures before ~~the effective~~ 11232
~~date of this section~~ September 14, 2000, shall only use or permit 11233
the use of electronic records or electronic signatures consistent 11234
with rules adopted by the ~~department of administrative services~~ 11235
office of information technology pursuant to division (A) of 11236
section 1306.21 of the Revised Code. 11237

(3) After the two-year period described in division (H)(1) of 11238
this section has concluded, the ~~department of administrative~~ 11239
~~services~~ office of information technology may permit a state 11240
agency to use electronic records or electronic signatures that do 11241
not comply with division (H)(2) of this section, if the state 11242
agency files a written request with the ~~department~~ office of 11243
information technology. 11244

(I) For the purposes of this section, "state agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, but does not include the general assembly, any legislative agency, the supreme court, the other courts of record in this state, or any judicial agency.

Sec. 1306.21. (A) With regard to state agency use of electronic records or electronic signatures, the ~~department of administrative services~~ office of information technology, in consultation with the state archivist, shall adopt rules in accordance with section 111.15 of the Revised Code setting forth all of the following:

(1) The minimum requirements for the method of creation, maintenance, and security of electronic records and electronic signatures;

(2) If electronic records must be signed by electronic means, all of the following:

(a) The type of electronic signature required;

(b) The manner and format in which the electronic signature must be affixed to the electronic record;

(c) The identity of, or criteria that must be met by, any third party used by the person filing a document to facilitate the process.

(3) Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records;

(4) Any other required attributes for electronic records that are specified for corresponding nonelectronic records or are reasonably necessary under the circumstances.

(B)(1) The ~~department of administrative services~~ office of

information technology may adopt rules in accordance with section 11275
111.15 of the Revised Code to ensure consistency and 11276
interoperability among state agencies with regard to electronic 11277
transactions, electronic signatures, and security procedures. 11278

(2) If the ~~department of administrative services~~ office of 11279
information technology adopts rules pursuant to division (B)(1) of 11280
this section, the department shall consider consistency in 11281
applications and interoperability with governmental agencies of 11282
this state, agencies of other states, the federal government, and 11283
nongovernmental persons to the extent practicable when adopting 11284
rules pursuant to that division. 11285

(C) With regard to electronic transactions, electronic 11286
signatures, and security procedures, the ~~department of~~ 11287
~~administrative services~~ office of information technology may 11288
publish recommendations for governmental agencies and 11289
nongovernmental persons to promote consistency and 11290
interoperability among nongovernmental persons, agencies of this 11291
state and other states, and the federal government. 11292

(D) For purposes of this section, "state agency" has the same 11293
meaning as in section 1306.20 of the Revised Code. 11294

Sec. 1347.06. The ~~director of administrative services~~ office 11295
of information technology shall adopt, amend, and rescind rules 11296
pursuant to Chapter 119. of the Revised Code for the purposes of 11297
administering and enforcing the provisions of this chapter that 11298
pertain to state agencies. 11299

A state or local agency that, or an officer or employee of a 11300
state or local agency who, complies in good faith with a rule 11301
applicable to the agency is not subject to criminal prosecution or 11302
civil liability under this chapter. 11303

Sec. 1503.05. (A) The chief of the division of forestry may 11304

sell timber and other forest products from the state forest and 11305
state forest nurseries whenever the chief considers such a sale 11306
desirable and, with the approval of the attorney general and the 11307
director of natural resources, may sell portions of the state 11308
forest lands when such a sale is advantageous to the state. 11309

(B) Except as otherwise provided in this section, a timber 11310
sale agreement shall not be executed unless the person or 11311
governmental entity bidding on the sale executes and files a 11312
surety bond conditioned on completion of the timber sale in 11313
accordance with the terms of the agreement in an amount equal to 11314
twenty-five per cent of the highest value cutting section. All 11315
bonds shall be given in a form prescribed by the chief and shall 11316
run to the state as obligee. 11317

The chief shall not approve any bond until it is personally 11318
signed and acknowledged by both principal and surety, or as to 11319
either by the attorney in fact thereof, with a certified copy of 11320
the power of attorney attached. The chief shall not approve the 11321
bond unless there is attached a certificate of the superintendent 11322
of insurance that the company is authorized to transact a fidelity 11323
and surety business in this state. 11324

In lieu of a bond, the bidder may deposit any of the 11325
following: 11326

(1) Cash in an amount equal to the amount of the bond; 11327

(2) United States government securities having a par value 11328
equal to or greater than the amount of the bond; 11329

(3) Negotiable certificates of deposit or irrevocable letters 11330
of credit issued by any bank organized or transacting business in 11331
this state having a par value equal to or greater than the amount 11332
of the bond. 11333

The cash or securities shall be deposited on the same terms 11334
as bonds. If one or more certificates of deposit are deposited in 11335

lieu of a bond, the chief shall require the bank that issued any 11336
of the certificates to pledge securities of the aggregate market 11337
value equal to the amount of the certificate or certificates that 11338
is in excess of the amount insured by the federal deposit 11339
insurance corporation. The securities to be pledged shall be those 11340
designated as eligible under section 135.18 of the Revised Code. 11341
The securities shall be security for the repayment of the 11342
certificate or certificates of deposit. 11343

Immediately upon a deposit of cash, securities, certificates 11344
of deposit, or letters of credit, the chief shall deliver them to 11345
the treasurer of state, who shall hold them in trust for the 11346
purposes for which they have been deposited. The treasurer of 11347
state is responsible for the safekeeping of the deposits. A bidder 11348
making a deposit of cash, securities, certificates of deposit, or 11349
letters of credit may withdraw and receive from the treasurer of 11350
state, on the written order of the chief, all or any portion of 11351
the cash, securities, certificates of deposit, or letters of 11352
credit upon depositing with the treasurer of state cash, other 11353
United States government securities, or other negotiable 11354
certificates of deposit or irrevocable letters of credit issued by 11355
any bank organized or transacting business in this state, equal in 11356
par value to the par value of the cash, securities, certificates 11357
of deposit, or letters of credit withdrawn. 11358

A bidder may demand and receive from the treasurer of state 11359
all interest or other income from any such securities or 11360
certificates as it becomes due. If securities so deposited with 11361
and in the possession of the treasurer of state mature or are 11362
called for payment by their issuer, the treasurer of state, at the 11363
request of the bidder who deposited them, shall convert the 11364
proceeds of the redemption or payment of the securities into other 11365
United States government securities, negotiable certificates of 11366
deposit, or cash as the bidder designates. 11367

When the chief finds that a person or governmental agency has failed to comply with the conditions of the person's or governmental agency's bond, the chief shall make a finding of that fact and declare the bond, cash, securities, certificates, or letters of credit forfeited. The chief thereupon shall certify the total forfeiture to the attorney general, who shall proceed to collect the amount of the bond, cash, securities, certificates, or letters of credit.

In lieu of total forfeiture, the surety, at its option, may cause the timber sale to be completed or pay to the treasurer of state the cost thereof.

All moneys collected as a result of forfeitures of bonds, cash, securities, certificates, and letters of credit under this section shall be credited to the state forest fund created in this section.

(C) The chief may grant easements and leases on portions of the state forest lands and state forest nurseries under terms that are advantageous to the state, and the chief may grant mineral rights on a royalty basis on those lands and nurseries, with the approval of the attorney general and the director.

(D) All moneys received from the sale of state forest lands, or in payment for easements or leases on or as rents from those lands or from state forest nurseries, shall be paid into the state treasury to the credit of the state forest fund, which is hereby created. In addition, all moneys received from federal grants, payments, and reimbursements, from the sale of reforestation tree stock, from the sale of forest products, other than standing timber, and from the sale of minerals taken from the state forest lands and state forest nurseries, together with royalties from mineral rights, shall be paid into the state treasury to the credit of the state forest fund. Any other revenues derived from the operation of the state forests and related facilities or

equipment also shall be paid into the state treasury to the credit 11400
of the state forest fund, as shall contributions received for the 11401
issuance of Smokey Bear license plates under section 4503.574 of 11402
the Revised Code and any other moneys required by law to be 11403
deposited in the fund. 11404

The state forest fund shall not be expended for any purpose 11405
other than the administration, operation, maintenance, 11406
development, or utilization of the state forests, forest 11407
nurseries, and forest programs, for facilities or equipment 11408
incident to them, or for the further purchase of lands for state 11409
forest or forest nursery purposes and, in the case of 11410
contributions received pursuant to section 4503.574 of the Revised 11411
Code, for fire prevention purposes. 11412

All moneys received from the sale of standing timber taken 11413
from state forest lands and state forest nurseries shall be 11414
deposited into the state treasury to the credit of the forestry 11415
holding account redistribution fund, which is hereby created. The 11416
moneys shall remain in the fund until they are redistributed in 11417
accordance with this division. 11418

The redistribution shall occur at least once each year. To 11419
begin the redistribution, the chief first shall determine the 11420
amount of all standing timber sold from state forest lands and 11421
state forest nurseries, together with the amount of the total sale 11422
proceeds, in each county, in each township within the county, and 11423
in each school district within the county. The chief next shall 11424
determine the amount of the direct costs that the division of 11425
forestry incurred in association with the sale of that standing 11426
timber. The amount of the direct costs shall be subtracted from 11427
the amount of the total sale proceeds and shall be transferred 11428
from the forestry holding account redistribution fund to the state 11429
forest fund. 11430

The remaining amount of the total sale proceeds equals the 11431

net value of the standing timber that was sold. The chief shall 11432
determine the net value of standing timber sold from state forest 11433
lands and state forest nurseries in each county, in each township 11434
within the county, and in each school district within the county 11435
and shall send to each county treasurer a copy of the 11436
determination at the time that moneys are paid to the county 11437
treasurer under this division. 11438

Twenty-five per cent of the net value of standing timber sold 11439
from state forest lands and state forest nurseries located in a 11440
county shall be transferred from the forestry holding account 11441
redistribution fund to the state forest fund. Ten per cent of that 11442
net value shall be transferred from the forestry holding account 11443
redistribution fund to the general revenue fund. The remaining 11444
sixty-five per cent of the net value shall be transferred from the 11445
forestry holding account redistribution fund and paid to the 11446
county treasurer for the use of the general fund of that county. 11447

The county auditor shall do all of the following: 11448

(1) Retain for the use of the general fund of the county 11449
one-fourth of the amount received by the county under division (D) 11450
of this section; 11451

(2) Pay into the general fund of any township located within 11452
the county and containing such lands and nurseries one-fourth of 11453
the amount received by the county from standing timber sold from 11454
lands and nurseries located in the township; 11455

(3) Request the board of education of any school district 11456
located within the county and containing such lands and nurseries 11457
to identify which fund or funds of the district should receive the 11458
moneys available to the school district under division (D)(3) of 11459
this section. After receiving notice from the board, the county 11460
auditor shall pay into the fund or funds so identified one-half of 11461
the amount received by the county from standing timber sold from 11462

lands and nurseries located in the school district, distributed 11463
proportionately as identified by the board. 11464

The division of forestry shall not supply logs, lumber, or 11465
other forest products or minerals, taken from the state forest 11466
lands or state forest nurseries, to any other agency or 11467
subdivision of the state unless payment is made therefor in the 11468
amount of the actual prevailing value thereof. This section is 11469
applicable to the moneys so received. 11470

Sec. 1504.02. (A) The division of real estate and land 11471
management shall do all of the following: 11472

(1) Except as otherwise provided in the Revised Code, 11473
coordinate and conduct all real estate functions for the 11474
department of natural resources, including at least acquisitions 11475
by purchase, lease, gift, devise, bequest, appropriation, or 11476
otherwise; grants through sales, leases, exchanges, easements, and 11477
licenses; inventories of land; and other related general 11478
management duties; 11479

(2) Assist the department and its divisions by providing 11480
department-wide planning, including at least master planning, 11481
comprehensive planning, capital improvements planning, and special 11482
purpose planning such as trails coordination and planning under 11483
section 1519.03 of the Revised Code; 11484

~~(3) On behalf of the director of natural resources, 11485
administer the coastal management program established under 11486
sections 1506.01 to 1506.03 and 1506.05 to 1506.09 of the Revised 11487
Code and consult with and provide coordination among state 11488
agencies, political subdivisions, the United States and agencies 11489
of it, and interstate, regional, and areawide agencies to assist 11490
the director in executing the director's duties and 11491
responsibilities under that program and to assist the department 11492
as the lead agency for the development and implementation of the 11493~~

program;	11494
(4) On behalf of the director, administer sections 1506.10	11495
and 1506.11 and sections 1506.31 to 1506.36 of the Revised Code;	11496
(5) Cooperate with the United States and agencies of it and	11497
with political subdivisions in administering federal recreation	11498
moneys under the "Land and Water Conservation Fund Act of 1965,"	11499
78 Stat. 897, 16 U.S.C.A. 4601-8, as amended; prepare and	11500
distribute the statewide comprehensive outdoor recreation plan;	11501
and administer the state recreational vehicle fund created in	11502
section 4519.11 of the Revised Code;	11503
(6)(4)(a) Support the geographic information system needs for	11504
the department as requested by the director, which shall include,	11505
but not be limited to, all of the following:	11506
(i) Assisting in the training and education of department	11507
resource managers, administrators, and other staff in the	11508
application and use of geographic information system technology;	11509
(ii) Providing technical support to the department in the	11510
design, preparation of data, and use of appropriate geographic	11511
information system applications in order to help solve resource	11512
related problems and to improve the effectiveness and efficiency	11513
of department delivered services;	11514
(iii) Creating, maintaining, and documenting spatial digital	11515
data bases for the division and for other divisions as assigned by	11516
the director.	11517
(b) Provide information to and otherwise assist government	11518
officials, planners, and resource managers in understanding land	11519
use planning and resource management;	11520
(c) Provide continuing assistance to local government	11521
officials and others in natural resource digital data base	11522
development and in applying and utilizing the geographic	11523

information system for land use planning, current agricultural use 11524
value assessment, development reviews, coastal management, and 11525
other resource management activities; 11526

(d) Coordinate and administer the remote sensing needs of the 11527
department, including the collection and analysis of aerial 11528
photography, satellite data, and other data pertaining to land, 11529
water, and other resources of the state; 11530

(e) Prepare and publish maps and digital data relating to the 11531
state's land use and land cover over time on a local, regional, 11532
and statewide basis; 11533

(f) Locate and distribute hard copy maps, digital data, 11534
aerial photography, and other resource data and information to 11535
government agencies and the public. 11536

~~(7)~~(5) Prepare special studies and execute any other duties, 11537
functions, and responsibilities requested by the director. 11538

(B) The division may do any of the following: 11539

(1) Coordinate such environmental matters concerning the 11540
department and the state as are necessary to comply with the 11541
"National Environmental Policy Act of 1969," 83 Stat. 852, 42 11542
U.S.C.A. 4321, as amended, the "Intergovernmental Cooperation Act 11543
of 1968," 82 Stat. 1098, 31 U.S.C.A. 6506, and the "Federal Water 11544
Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C.A. 1251, as 11545
amended, and regulations adopted under those acts; 11546

(2) With the approval of the director, coordinate and 11547
administer compensatory mitigation grant programs and other 11548
programs for streams and wetlands as approved in accordance with 11549
certifications and permits issued under sections 401 and 404 of 11550
the "Federal Water Pollution Control Act", 91 Stat. 1566(1977), 33 11551
U.S.C.A. 1251, as amended, by the environmental protection agency 11552
and the United States army corps of engineers; 11553

(3) Administer any state or federally funded grant program 11554
that is related to natural resources and recreation as considered 11555
necessary by the director. 11556

Sec. 1505.07. (A) Subject to the ~~limitation~~ limitations set 11557
forth in division (B) of this section and in section 1505.08 of 11558
the Revised Code, the director of natural resources, with the 11559
approval of the director of environmental protection, the attorney 11560
general, and the governor, may issue permits and make leases to 11561
parties making application for permission to take and remove sand, 11562
gravel, stone, and other minerals or substances from and under the 11563
bed of Lake Erie, either upon a royalty or rental basis, as ~~he~~ the 11564
director of natural resources determines to be best for the state. 11565
Permits shall be issued for terms of not less than one year nor 11566
more than ten years, and leases shall be for a term of years or 11567
until the economic extraction of the mineral or other substance 11568
covered thereby has been completed. Such taking and removal shall 11569
be within certain fixed boundaries that do not conflict with the 11570
rights of littoral owners. Upon request from the holder of a 11571
permit, it shall be canceled, but in the case of any permit or 11572
lease, any equipment or buildings owned by the permittee or lessee 11573
shall be held as security by the director of natural resources for 11574
payment of all rentals or royalties due the state at the time of 11575
cancellation. 11576

(B) The director of natural resources shall not issue any 11577
permit or make any lease under division (A) of this section to 11578
take or remove oil or natural gas from and under the bed of Lake 11579
Erie. 11580

(C) No person shall remove sand, gravel, stone, or other 11581
minerals or substances from and under the bed of Lake Erie without 11582
first obtaining a permit or lease therefor from the director. 11583

(D) The director ~~of natural resources~~ may, in accordance with 11584

Chapter 119. of the Revised Code, adopt, amend, and rescind rules 11585
for the administration, implementation, and enforcement of this 11586
section. 11587

Sec. 1506.01. As used in this chapter: 11588

(A) "Coastal area" means the waters of Lake Erie, the islands 11589
in the lake, and the lands under and adjacent to the lake, 11590
including transitional areas, wetlands, and beaches. The coastal 11591
area extends in Lake Erie to the international boundary line 11592
between the United States and Canada and landward only to the 11593
extent necessary to include shorelands, the uses of which have a 11594
direct and significant impact on coastal waters as determined by 11595
the director of natural resources. 11596

(B) "Coastal management program" means the comprehensive 11597
action of the state and its political subdivisions cooperatively 11598
to preserve, protect, develop, restore, or enhance the resources 11599
of the coastal area and to ensure wise use of the land and water 11600
resources of the coastal area, giving attention to natural, 11601
cultural, historic, and aesthetic values; agricultural, 11602
recreational, energy, and economic needs; and the national 11603
interest. "Coastal management program" includes the establishment 11604
of objectives, policies, standards, and criteria concerning, 11605
without limitation, protection of air, water, wildlife, rare and 11606
endangered species, wetlands and natural areas, and other natural 11607
resources in the coastal area; management of coastal development 11608
and redevelopment; preservation and restoration of historic, 11609
cultural, and aesthetic coastal features; and public access to the 11610
coastal area for recreation purposes. 11611

(C) "Coastal management program document" means a 11612
comprehensive statement consisting of, without limitation, text, 11613
maps, and illustrations that is adopted by the director in 11614
accordance with this chapter, describes the objectives, policies, 11615

standards, and criteria of the coastal management program for 11616
guiding public and private uses of lands and waters in the coastal 11617
area, lists the governmental agencies, including, without 11618
limitation, state agencies, involved in implementing the coastal 11619
management program, describes their applicable policies and 11620
programs, and cites the statutes and rules under which they may 11621
adopt and implement those policies and programs. 11622

(D) "Person" means any agency of this state, any political 11623
subdivision of this state or of the United States, and any legal 11624
entity defined as a person under section 1.59 of the Revised Code. 11625

(E) "Director" means the director of natural resources or the 11626
director's designee. 11627

(F) "Permanent structure" means any residential, commercial, 11628
industrial, institutional, or agricultural building, any mobile 11629
home as defined in division (O) of section 4501.01 of the Revised 11630
Code, any manufactured home as defined in division (C)(4) of 11631
section 3781.06 of the Revised Code, and any septic system that 11632
receives sewage from a single-family, two-family, or three-family 11633
dwelling, but does not include any recreational vehicle as defined 11634
in section 4501.01 of the Revised Code. 11635

(G) "State agency" or "agency of the state" has the same 11636
meaning as "agency" as defined in section 111.15 of the Revised 11637
Code. 11638

(H) "Coastal flood hazard area" means any territory within 11639
the coastal area that has been identified as a flood hazard area 11640
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 11641
42 U.S.C.A. 4002, as amended. 11642

(I) "Coastal erosion area" means any territory included in 11643
Lake Erie coastal erosion areas identified by the director under 11644
section 1506.06 of the Revised Code. 11645

(J) "Conservancy district" means a conservancy district that 11646

is established under Chapter 6101. of the Revised Code. 11647

(K) "Park board" means the board of park commissioners of a park district that is created under Chapter 1545. of the Revised Code. 11648
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(L) "Erosion control structure" means a structure that is designed solely and specifically to reduce or control erosion of the shore along or near Lake Erie, including, without limitation, revetments, seawalls, bulkheads, certain breakwaters, and similar structures. 11651
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(M) "Shore structure" includes, but is not limited to, beaches; groins; revetments; bulkheads; seawalls; breakwaters; certain dikes designated by the chief of the division of water; piers; docks; jetties; wharves; marinas; boat ramps; any associated fill or debris used as part of the construction of shore structures that may affect shore erosion, wave action, or inundation; and fill or debris that is placed along or near the shore, including bluffs, banks, or beach ridges, for the purpose of stabilizing slopes. 11656
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Sec. ~~1521.20~~ 1506.38. ~~The chief director of the division of water~~ natural resources shall act as the erosion agent of the state for the purpose of cooperating with the secretary of the army, acting through the chief of engineers of the United States army corps of engineers in the department of defense. ~~The chief director~~ shall cooperate with the secretary in carrying out, and may conduct, investigations and studies of conditions along the shorelines of Lake Erie and of the bays and projections therefrom, and of the islands therein, within the territorial waters of the state, with a view to devising and perfecting economical and effective methods and works for preventing, correcting, and controlling shore erosion and damage therefrom and controlling the inundation of improved property by the waters of Lake Erie, its 11665
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bays, and associated inlets. 11678

Sec. ~~1521.21~~ 1506.39. The ~~chief director~~ of the ~~division of~~ 11679
~~water natural resources~~, in the discharge of the ~~chief's~~ 11680
~~director's~~ duties under sections ~~1507.20~~ 1506.38 to ~~1507.30~~ 11681
1506.48 of the Revised Code, may call to the ~~chief's~~ director's 11682
assistance, temporarily, any engineers or other employees in any 11683
state department, or in the Ohio state university or other 11684
educational institutions financed wholly or in part by the state, 11685
for the purpose of devising the most effective and economical 11686
methods of controlling shore erosion and damage from it and 11687
controlling the inundation of improved property by the waters of 11688
Lake Erie and its bays and associated inlets. 11689

Such engineers and employees shall not receive any additional 11690
compensation over that which they receive from the departments or 11691
institutions by which they are employed, but they shall be 11692
reimbursed for their actual necessary expenses incurred while 11693
working under the direction of the ~~chief~~ director on erosion and 11694
inundation projects. 11695

Sec. ~~1521.22~~ 1506.40. No person shall construct a beach, 11696
groin, or other structure to control erosion, wave action, or 11697
inundation along or near the Ohio shoreline of Lake Erie, 11698
including related islands, bays, and inlets, without first 11699
obtaining a shore structure permit from the ~~chief of the division~~ 11700
director of ~~water~~. The natural resources. 11701

The application for a ~~shore structure~~ permit shall include 11702
detailed plans and specifications prepared by a professional 11703
engineer registered under Chapter 4733. of the Revised Code. An 11704
applicant shall provide appropriate evidence of compliance with 11705
any applicable provisions of this chapter and Chapters 1505. and 11706
~~1506.~~ 1521. of the Revised Code, as determined by the ~~chief~~ 11707

director. A temporary shore structure permit may be issued by the 11708
~~chief or an authorized representative of the chief~~ director if it 11709
is determined necessary to safeguard life, health, or property. 11710

Each application or reapplication for a permit under this 11711
section shall be accompanied by a non-refundable fee as the ~~chief~~ 11712
director shall prescribe by rule. 11713

If the application is approved, the ~~chief~~ director shall 11714
issue a permit to the applicant authorizing construction of the 11715
project. If requested in writing by the applicant within thirty 11716
days of issuance of a notice of disapproval of the application, 11717
the ~~chief~~ director shall conduct an adjudication hearing under 11718
Chapter 119. of the Revised Code, except sections 119.12 and 11719
119.121 of the Revised Code. After reviewing the record of the 11720
hearing, the ~~chief~~ director shall issue a final order approving 11721
the application, disapproving it, or approving it conditioned on 11722
the making of specified revisions in the plans and specifications. 11723

The ~~chief~~ director, by rule, shall limit the period during 11724
which a construction permit issued under this section is valid and 11725
shall establish reapplication requirements governing a 11726
construction permit that expires before construction is completed. 11727

In accordance with Chapter 119. of the Revised Code, the 11728
~~chief~~ director shall adopt, and may amend or rescind, such rules 11729
as are necessary for the administration, implementation, and 11730
enforcement of this section. 11731

Sec. ~~1521.23~~ 1506.41. All moneys derived from the granting of 11732
permits and leases under section 1505.07 of the Revised Code for 11733
the removal of sand, gravel, stone, gas, oil, and other minerals 11734
and substances from and under the bed of Lake Erie and from 11735
applications for shore structure permits submitted under section 11736
~~1521.22~~ 1506.40 of the Revised Code shall be paid into the state 11737
treasury to the credit of the permit and lease fund, which is 11738

hereby created. Notwithstanding any section of the Revised Code 11739
relating to the distribution or crediting of fines for violations 11740
of the Revised Code, all fines imposed under division (A) of 11741
section 1505.99 of the Revised Code and under division (C) of 11742
section ~~1521.99~~ 1506.99 of the Revised Code shall be paid into 11743
that fund. The fund shall be administered by the department of 11744
natural resources for the protection of Lake Erie shores and 11745
waters; investigation and control of erosion; the planning, 11746
development, and construction of facilities for recreational use 11747
of Lake Erie; implementation of section ~~1521.22~~ 1506.40 of the 11748
Revised Code; preparation of the state shore erosion plan under 11749
section ~~1521.29~~ 1506.47 of the Revised Code; and state 11750
administration of Lake Erie coastal erosion areas under sections 11751
1506.06 and 1506.07 of the Revised Code. 11752

Sec. ~~1521.24~~ 1506.42. The state, acting through the ~~chief~~ 11753
~~director of the division of water~~ natural resources, subject to 11754
section ~~1521.28~~ 1506.46 of the Revised Code, may enter into 11755
agreements with counties, townships, municipal corporations, park 11756
boards, and conservancy districts, other political subdivisions, 11757
or any state departments or divisions for the purpose of 11758
constructing and maintaining projects to control erosion along the 11759
Ohio shoreline of Lake Erie and in any rivers and bays that are 11760
connected with Lake Erie and any other watercourses that flow into 11761
Lake Erie. Such projects also may be constructed on any Lake Erie 11762
island that is situated within the boundaries of the state. 11763

The cost of such shore erosion projects that are for the 11764
benefit of public littoral property shall be prorated on the basis 11765
of two-thirds of the total cost to the state through 11766
appropriations made to the ~~division~~ department of ~~water~~ natural 11767
resources and one-third of the cost to the counties, townships, 11768
municipal corporations, park boards, conservancy districts, or 11769
other political subdivisions. 11770

If a shore erosion emergency is declared by the governor, the state, acting through the chief director, may spend whatever state funds are available to alleviate shore erosion, without participation by any political subdivision, regardless of whether the project will benefit public or private littoral property.

A board of county commissioners, acting for the county over which it has jurisdiction, may enter into and carry out agreements with the chief director for the construction and maintenance of projects to control shore erosion. In providing the funds for the county's proportionate share of the cost of constructing and maintaining the projects referred to in this section, the board shall be governed by and may issue and refund bonds in accordance with Chapter 133. of the Revised Code.

A municipal corporation or a township, acting through the legislative authority or the board of township trustees, may enter into and carry out agreements with the chief director for the purpose of constructing and maintaining projects to control shore erosion. In providing the funds for the municipal corporation's or township's proportionate share of the cost of constructing and maintaining the projects referred to in this section, a municipal corporation or township may issue and refund bonds in accordance with Chapter 133. of the Revised Code. The contract shall be executed on behalf of the municipal corporation or township by the mayor, city manager, or other chief executive officer who has the authority to act for the municipal corporation or township.

Conservancy districts may enter into and carry out agreements with the chief director, in accordance with the intent of this section, under the powers conferred upon conservancy districts under Chapter 6101. of the Revised Code.

Park boards may enter into and carry out agreements with the chief director, in accordance with the intent of this section, and issue bonds for that purpose under the powers conferred upon park

districts under Chapter 1545. of the Revised Code. 11803

The ~~ehief~~ director shall approve and supervise all projects 11804
that are to be constructed in accordance with this section. The 11805
~~ehief~~ director shall not proceed with the construction of any 11806
project until all funds that are to be paid by the county, 11807
township, municipal corporation, park board, or conservancy 11808
district, in accordance with the terms of the agreement entered 11809
into between the ~~ehief~~ director and the county, township, 11810
municipal corporation, park board, or conservancy district, are in 11811
the ~~ehief's~~ director's possession and deposited in the shore 11812
erosion fund, which is hereby created in the state treasury. If 11813
the ~~ehief~~ director finds it to be in the best interests of the 11814
state to construct projects as set forth in this section by the 11815
state itself, without the financial contribution of counties, 11816
townships, municipal corporations, park boards, or conservancy 11817
districts, the ~~ehief~~ director may construct the projects. 11818

In deciding whether to assist a county or municipal 11819
corporation in constructing and maintaining a project under this 11820
section, the state, acting through the ~~ehief~~ director, shall 11821
consider, among other factors, whether the county or municipal 11822
corporation has adopted or is in the process of adopting a Lake 11823
Erie coastal erosion area resolution or ordinance under division 11824
(D) of section 1506.07 of the Revised Code. 11825

All projects constructed by the state in conformity with 11826
sections ~~1521.20~~ 1506.38 to ~~1521.28~~ 1506.46 of the Revised Code 11827
shall be constructed subject to sections 153.01 to 153.20 of the 11828
Revised Code, except that the state architect and engineer is not 11829
required to prepare the plans and specifications for those 11830
projects. 11831

Sec. ~~1521.25~~ 1506.43. The ~~ehief~~ director of ~~the division of~~ 11832
~~water~~ natural resources may enter into a contract with any county, 11833

township, municipal corporation, conservancy district, or park 11834
board that has an agreement with the state in accordance with 11835
section ~~1521.24~~ 1506.42 of the Revised Code for the construction 11836
of a shore erosion project. No contract shall be let until all 11837
money that is to be paid by the political subdivision entering 11838
into the agreement has been deposited in the shore erosion fund 11839
created in that section ~~1521.24~~ of the Revised Code, and no 11840
~~contract shall be valid until approved by the director of natural~~ 11841
~~resources.~~ 11842

Sec. ~~1521.26~~ 1506.44. (A) A board of county commissioners may 11843
use a loan obtained under division (C) of this section to provide 11844
financial assistance to any person who owns real property in a 11845
coastal erosion area, ~~as defined in section 1506.01 of the Revised~~ 11846
~~Code,~~ and who has received a permit under section ~~1521.22~~ 1506.40 11847
of the Revised Code to construct an erosion control structure in 11848
that coastal erosion area. The board shall enter into an agreement 11849
with the person that complies with all of the following 11850
requirements: 11851

(1) The agreement shall identify the person's real property 11852
for which the erosion control structure is being constructed and 11853
shall include a legal description of that property and a reference 11854
to the volume and page of the deed record in which the title of 11855
that person to that property is recorded. 11856

(2) In accordance with rules adopted by the Ohio water 11857
development authority under division (V) of section 6121.04 of the 11858
Revised Code for the purposes of division (C) of this section and 11859
pursuant to an agreement between the board and the authority under 11860
that division, the board shall agree to cause payments to be made 11861
by the authority to the contractor hired by the person to 11862
construct an erosion control structure in amounts not to exceed 11863
the total amount specified in the agreement between the board and 11864

the person. 11865

(3) The person shall agree to pay to the board, or to the 11866
authority as the assignee pursuant to division (C) of this 11867
section, the total amount of the payments plus administrative or 11868
other costs of the board or the authority at times, in 11869
installments, and bearing interest as specified in the agreement. 11870

The agreement may contain additional provisions that the 11871
board determines necessary to safeguard the interests of the 11872
county or to comply with an agreement entered into under division 11873
(C) of this section. 11874

(B) Upon entering into an agreement under division (A) of 11875
this section, the board shall do all of the following: 11876

(1) Cause the agreement to be recorded in the county deed 11877
records in the office of the county recorder of the county in 11878
which the real property is situated. Failure to record the 11879
agreement does not affect the validity of the agreement or the 11880
collection of any amounts due under the agreement. 11881

(2) Establish by resolution an erosion control repayment fund 11882
into which shall be deposited all amounts collected under division 11883
(B)(3) of this section. Moneys in that fund shall be used by the 11884
board for the repayment of the loan and for administrative or 11885
other costs of the board or the authority as specified in an 11886
agreement entered into under division (C) of this section. If the 11887
amount of money in the fund is inadequate to repay the loan when 11888
due, the board of county commissioners, by resolution, may advance 11889
money from any other fund in order to repay the loan if that use 11890
of the money from the other fund is not in conflict with law. If 11891
the board so advances money in order to repay the loan, the board 11892
subsequently shall reimburse each fund from which the board 11893
advances money with moneys from the erosion control repayment 11894
fund. 11895

(3) Bill and collect all amounts when due under the agreement 11896
entered into under division (A) of this section. The board shall 11897
certify amounts not paid when due to the county auditor, who shall 11898
enter the amounts on the real property tax list and duplicate 11899
against the property identified under division (A)(1) of this 11900
section. The amounts not paid when due shall be a lien on that 11901
property from the date on which the amounts are placed on the tax 11902
list and duplicate and shall be collected in the same manner as 11903
other taxes. 11904

(C) A board may apply to the authority for a loan for the 11905
purpose of entering into agreements under division (A) of this 11906
section. The loan shall be for an amount and on the terms 11907
established in an agreement between the board and the authority. 11908
The board may assign any agreements entered into under division 11909
(A) of this section to the authority in order to provide for the 11910
repayment of the loan and may pledge any lawfully available 11911
revenues to the repayment of the loan, provided that no moneys 11912
raised by taxation shall be obligated or pledged by the board for 11913
the repayment of the loan. Any agreement with the authority 11914
pursuant to this division is not subject to Chapter 133. of the 11915
Revised Code or any requirements or limitations established in 11916
that chapter. 11917

(D) The authority, as assignee of any agreement pursuant to 11918
division (C) of this section, may enforce and compel the board and 11919
the county auditor by mandamus pursuant to Chapter 2731. of the 11920
Revised Code to comply with division (B) of this section in a 11921
timely manner. 11922

(E) The construction of an erosion control structure by a 11923
contractor hired by an individual homeowner, group of individual 11924
homeowners, or homeowners association that enters into an 11925
agreement with a board under division (A) of this section is not a 11926
public improvement, as defined in section 4115.03 of the Revised 11927

Code, and is not subject to competitive bidding or public bond laws. 11928
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Sec. ~~1521.27~~ 1506.45. The state, or any county, township, municipal corporation, conservancy district, or park board that has entered into a contract under section ~~1521.25~~ 1506.43 of the Revised Code, may acquire lands by gift or devise, purchase, or appropriation. In case of appropriation, the proceedings shall be instituted in the name of the state or the political subdivision and shall be conducted in the manner provided for the appropriation of private property by the state or the political subdivision insofar as those proceedings are applicable. Either the fee or any lesser interest may be acquired as the state or the political subdivision considers advisable. 11930
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Sec. ~~1521.28~~ 1506.46. Any action taken by the ~~chief director~~ of ~~the division of water~~ natural resources under sections ~~1521.20~~ 1506.38 to ~~1521.30~~ 1506.48 of the Revised Code shall not be deemed in conflict with certain powers and duties conferred upon and delegated to federal agencies and to municipal corporations under Section 7 of Article XVIII, Ohio Constitution, or as provided by sections 721.04 to 721.11 of the Revised Code. 11941
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Sec. ~~1521.29~~ 1506.47. The ~~chief director~~ of ~~the division of water~~ natural resources, in cooperation with appropriate offices and divisions, including the division of geological survey, may prepare a plan for the management of shore erosion in the state along Lake Erie, its bays, and associated inlets, revise the plan whenever it can be made more effective, and make the plan available for public inspection. In the preparation of the plan, the ~~chief director~~ may employ such existing plans as are available. 11948
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The ~~chief director~~ also may establish a program to provide 11957

technical assistance on shore erosion control measures to 11958
municipal corporations, counties, townships, conservancy 11959
districts, park boards, and shoreline property owners. 11960

Sec. ~~1521.30~~ 1506.48. Upon application of any owner of real 11961
property damaged or destroyed by shore erosion, the county auditor 11962
of the county in which the real property is situated shall cause a 11963
reappraisal to be made and shall place the property on the tax 11964
list at its true value in money. 11965

Whenever the county auditor finds that ninety per cent or 11966
more of the area of any littoral parcel of land appearing upon the 11967
tax duplicate has been eroded and lies within the natural 11968
boundaries of Lake Erie and that the remainder of the parcel, if 11969
any, has no taxable value, the auditor may certify that finding to 11970
the county board of revision. Upon consideration thereof, the 11971
board may authorize removal of the parcel from the tax duplicate 11972
and cancellation of all current and delinquent taxes, assessments, 11973
interest, and penalties charged against the parcel. 11974

Sec. 1506.99. (A) Whoever violates division (A) of section 11975
1506.09 of the Revised Code shall be fined not less than one 11976
hundred nor more than five hundred dollars for each offense. 11977

(B) Whoever violates division (K) of section 1506.32 of the 11978
Revised Code is guilty of a misdemeanor of the third degree. 11979

(C) Whoever violates sections 1506.38 to 1506.48 of the 11980
Revised Code shall be fined not less than one hundred dollars nor 11981
more than five hundred dollars for each offense. Each day of 11982
violation constitutes a separate offense. 11983

Sec. 1521.01. As used in sections 1521.01 to 1521.05, and 11984
1521.13 to 1521.18, ~~and 1521.20 to 1521.30~~ of the Revised Code: 11985

(A) "Consumptive use," "diversion," "Lake Erie drainage 11986

basin," "other great lakes states and provinces," "water	11987
resources," and "waters of the state" have the same meanings as in	11988
section 1501.30 of the Revised Code.	11989
(B) "Well" means any excavation, regardless of design or	11990
method of construction, created for any of the following purposes:	11991
(1) Removing ground water from or recharging water into an	11992
aquifer, excluding subsurface drainage systems installed to	11993
enhance agricultural crop production or urban or suburban	11994
landscape management or to control seepage in dams, dikes, and	11995
levees;	11996
(2) Determining the quantity, quality, level, or movement of	11997
ground water in or the stratigraphy of an aquifer, excluding	11998
borings for instrumentation in dams, dikes, levees, or highway	11999
embankments;	12000
(3) Removing or exchanging heat from ground water, excluding	12001
horizontal trenches that are installed for water source heat pump	12002
systems.	12003
(C) "Aquifer" means a consolidated or unconsolidated geologic	12004
formation or series of formations that are hydraulically	12005
interconnected and that have the ability to receive, store, or	12006
transmit water.	12007
(D) "Ground water" means all water occurring in an aquifer.	12008
(E) "Ground water stress area" means a definable geographic	12009
area in which ground water quantity is being affected by human	12010
activity or natural forces to the extent that continuous	12011
availability of supply is jeopardized by withdrawals.	12012
(F) "Person" has the same meaning as in section 1.59 of the	12013
Revised Code and also includes the United States, the state, any	12014
political subdivision of the state, and any department, division,	12015
board, commission, agency, or instrumentality of the United	12016

States, the state, or a political subdivision of the state.	12017
(G) "State agency" or "agency of the state" has the same meaning as "agency" in section 111.15 of the Revised Code.	12018 12019
(H) "Development" means any artificial change to improved or unimproved real estate, including the construction of buildings and other structures, any substantial improvement of a structure, mining, dredging, filling, grading, paving, excavating, and drilling operations, and storage of equipment or materials.	12020 12021 12022 12023 12024
(I) "Floodplain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.	12025 12026 12027
(J) "Floodplain management" means the implementation of an overall program of corrective and preventive measures for reducing flood damage, including the collection and dissemination of flood information, construction of flood control works, nonstructural flood damage reduction techniques, and adoption of rules, ordinances, or resolutions governing development in floodplains.	12028 12029 12030 12031 12032 12033
(K) "One-hundred-year flood" means a flood having a one per cent chance of being equaled or exceeded in any given year.	12034 12035
(L) "One-hundred-year floodplain" means that portion of a floodplain inundated by a one-hundred-year flood.	12036 12037
(M) "Structure" means a walled and roofed building, including, without limitation, gas or liquid storage tanks, mobile homes, and manufactured homes.	12038 12039 12040
(N) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty per cent of the market value of the structure before the start of construction of the improvement. "Substantial improvement" includes repairs to structures that have incurred substantial damage regardless of the	12041 12042 12043 12044 12045 12046

actual repair work performed. "Substantial improvement" does not 12047
include either of the following: 12048

(1) Any project for the improvement of a structure to correct 12049
existing violations of state or local health, sanitary, or safety 12050
code specifications that have been identified by the state or 12051
local code enforcement official having jurisdiction and that are 12052
the minimum necessary to ensure safe living conditions; 12053

(2) Any alteration of an historic structure designated or 12054
listed pursuant to federal or state law, provided that the 12055
alteration will not preclude the structure's continued listing or 12056
designation as an historic structure. 12057

~~(O) "Shore structure" includes, but is not limited to:~~ 12058
~~beaches; groins; revetments; bulkheads; seawalls; breakwaters;~~ 12059
~~certain dikes designated by the chief of the division of water;~~ 12060
~~piers; docks; jetties; wharves; marinas; boat ramps; any~~ 12061
~~associated fill or debris used as part of the construction of~~ 12062
~~shore structures that may affect shore erosion, wave action, or~~ 12063
~~inundation; and fill or debris placed along or near the shore,~~ 12064
~~including bluffs, banks, or beach ridges, for the purpose of~~ 12065
~~stabilizing slopes.~~ 12066

~~(P)~~ "Substantial damage" means damage of any origin that is 12067
sustained by a structure if the cost of restoring the structure to 12068
its condition prior to the damage would equal or exceed fifty per 12069
cent of the market value of the structure before the damage 12070
occurred. 12071

~~(Q)~~(P) "National flood insurance program" means the national 12072
flood insurance program established in the "National Flood 12073
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 12074
and regulations adopted under it. 12075

~~(R)~~(O) "Conservancy district" means a conservancy district 12076
established under Chapter 6101. of the Revised Code. 12077

~~(S) "Park board" means the board of park commissioners of a park district created under Chapter 1545. of the Revised Code.~~ 12078
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~~(T) "Erosion control structure" means anything that is designed primarily to reduce or control erosion of the shore along or near lake erie, including, but not limited to, revetments, seawalls, bulkheads, certain breakwaters designated by the chief, and similar structures. "Erosion control structure" does not include wharves, piers, docks, marinas, boat ramps, and other similar structures.~~ 12080
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Sec. 1521.99. (A) Whoever violates division (E)(1) of section 1521.05 or division (E)(1) of section 1521.16 of the Revised Code is guilty of a misdemeanor of the fourth degree. 12087
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(B) Whoever violates section 1521.06 or 1521.062 of the Revised Code shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense. Each day of violation constitutes a separate offense. 12090
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~~(C) Whoever violates sections 1521.20 to 1521.30 of the Revised Code shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense. Each day of violation constitutes a separate offense.~~ 12094
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Sec. 1531.06. (A) The chief of the division of wildlife, with the approval of the director of natural resources, may acquire by gift, lease, purchase, or otherwise lands or surface rights upon lands and waters or surface rights upon waters for wild animals, fish or game management, preservation, propagation, and protection, outdoor and nature activities, public fishing and hunting grounds, and flora and fauna preservation. The chief, with the approval of the director, may receive by grant, devise, bequest, donation, or assignment evidences of indebtedness, the proceeds of which are to be used for the purchase of such lands or 12098
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surface rights upon lands and waters or surface rights upon 12108
waters. 12109

(B)(1) The chief shall adopt rules for the protection of 12110
state-owned or leased lands and waters and property under the 12111
division's control against wrongful use or occupancy that will 12112
ensure the carrying out of the intent of this section, protect 12113
those lands, waters, and property from depredations, and preserve 12114
them from molestation, spoilation, destruction, or any improper 12115
use or occupancy thereof, including rules with respect to 12116
recreational activities and for the government and use of such 12117
lands, waters, and property. 12118

(2) The chief may adopt rules benefiting wild animals, fish 12119
or game management, preservation, propagation, and protection, 12120
outdoor and nature activities, public fishing and hunting grounds, 12121
and flora and fauna preservation, and regulating the taking and 12122
possession of wild animals on any lands or waters owned or leased 12123
or under the division's supervision and control and, for a 12124
specified period of years, may prohibit or recall the taking and 12125
possession of any wild animal on any portion of such lands or 12126
waters. The division clearly shall define and mark the boundaries 12127
of the lands and waters owned or leased or under its supervision 12128
and control upon which the taking of any wild animal is 12129
prohibited. 12130

(C) The chief, with the approval of the director, may acquire 12131
by gift, lease, or purchase land for the purpose of establishing 12132
state fish hatcheries and game farms and may erect on it buildings 12133
or structures that are necessary. 12134

The title to or lease of such lands and waters shall be taken 12135
by the chief in the name of the state. The lease or purchase price 12136
of all such lands and waters may be paid from hunting and trapping 12137
and fishing licenses and any other funds. 12138

(D) To provide more public recreation, stream and lake 12139
agreements for public fishing only may be obtained under rules 12140
adopted by the chief. 12141

(E) The chief, with the approval of the director, may 12142
establish user fees for the use of special public facilities or 12143
participation in special activities on lands and waters 12144
administered by the division. The special facilities and 12145
activities may include hunting or fishing on special designated 12146
public lands and waters intensively managed or stocked with 12147
artificially propagated game birds or fish, field trial 12148
facilities, wildlife nature centers, firearm ranges, boat mooring 12149
facilities, camping sites, and other similar special facilities 12150
and activities. The chief shall determine whether the user fees 12151
are refundable and shall ensure that that information is provided 12152
at the time the user fees are paid. 12153

(F) The chief, with the approval of the director, may enter 12154
into lease agreements for rental of concessions or other special 12155
projects situated on state-owned or leased lands or waters or 12156
other property under the division's control. The chief shall set 12157
and collect the fees for concession rentals or other special 12158
projects; regulate through contracts between the division and 12159
cessionaires the sale of tangible objects at concessions or 12160
other special projects; and keep a record of all such fee payments 12161
showing the amount received, from whom received, and for what 12162
purpose the fee was collected. 12163

(G) The chief may sell or donate conservation-related items 12164
or items that promote wildlife conservation, including, but not 12165
limited to, stamps, pins, badges, books, bulletins, maps, 12166
publications, calendars, and any other educational article or 12167
artifact pertaining to wild animals; sell confiscated or forfeited 12168
items; and sell surplus structures and equipment, and timber or 12169
crops from lands owned, administered, leased, or controlled by the 12170

division. The chief, with the approval of the director, also may 12171
engage in campaigns and special events that promote wildlife 12172
conservation by selling or donating wildlife-related materials, 12173
memberships, and other items of promotional value. 12174

(H) The chief may sell, lease, or transfer minerals or 12175
mineral rights, with the approval of the director, when the chief 12176
and the director determine it to be in the best interest of the 12177
state. Upon approval of the director, the chief may make, execute, 12178
and deliver contracts, including leases, to mine, drill, or 12179
excavate iron ore, stone, coal, petroleum, gas, salt, and other 12180
minerals upon and under lands owned by the state and administered 12181
by the division to any person who complies with the terms of such 12182
a contract. No such contract shall be valid for more than fifty 12183
years from its effective date. Consideration for minerals and 12184
mineral rights shall be by rental or royalty basis as prescribed 12185
by the chief and payable as prescribed by contract. Moneys 12186
collected under this division shall be paid into the state 12187
treasury to the credit of the wildlife habitat fund created in 12188
section 1531.33 of the Revised Code. Contracts entered into under 12189
this division also may provide for consideration for minerals or 12190
mineral rights in the form of acquisition of lands as provided 12191
under divisions (A) and (C) of this section. 12192

(I) All moneys received under divisions (E), (F), and (G) of 12193
this section shall be paid into the state treasury to the credit 12194
of a fund that shall be used for the purposes outlined in section 12195
1533.15 of the Revised Code and for the management of other wild 12196
animals for their ecological and nonconsumptive recreational value 12197
or benefit. 12198

(J) The chief, with the approval of the director, may barter 12199
or sell wild animals to other states, state or federal agencies, 12200
and conservation or zoological organizations. Moneys received from 12201
the sale of wild animals shall be deposited into the wild animal 12202

fund created in section 1531.34 of the Revised Code. 12203

(K) The chief shall adopt rules establishing standards and 12204
guidelines for the administration of contraceptive chemicals to 12205
noncaptive wild animals. The rules may specify chemical delivery 12206
methods and devices and monitoring requirements. 12207

The chief shall establish criteria for the issuance of and 12208
shall issue permits for the administration of contraceptive 12209
chemicals to noncaptive wild animals. No person shall administer 12210
contraceptive chemicals to noncaptive wild animals without a 12211
permit issued by the chief. 12212

(L) All fees set by the chief under this section shall be 12213
approved by the wildlife council. 12214

Sec. 1531.35. The wildlife boater angler fund is hereby 12215
created in the state treasury. The fund shall consist of money 12216
credited to the fund pursuant to section 5735.051 of the Revised 12217
Code and other money contributed to the division of wildlife for 12218
the purposes of the fund. The fund shall be used for boating 12219
access construction, improvements, and maintenance, and to pay for 12220
equipment and personnel costs involved with those activities, on 12221
lakes on which the operation of gasoline-powered watercraft is 12222
permissible. However, not more than two hundred thousand dollars 12223
of the annual expenditures from the fund may be used to pay for 12224
the equipment and personnel costs. 12225

Sec. 1548.06. (A)(1) Application for a certificate of title 12226
for a watercraft or outboard motor shall be made upon a form 12227
prescribed by the chief of the division of watercraft and shall be 12228
sworn to before a notary public or other officer empowered to 12229
administer oaths. The application shall be filed with the clerk of 12230
any court of common pleas. An application for a certificate of 12231
title may be filed electronically by any electronic means approved 12232

by the chief in any county with the clerk of the court of common 12233
pleas of that county. The application shall be accompanied by the 12234
fee prescribed in section 1548.10 of the Revised Code. The fee 12235
shall be retained by the clerk who issues the certificate of title 12236
and shall be distributed in accordance with that section. If a 12237
clerk of a court of common pleas, other than the clerk of the 12238
court of common pleas of an applicant's county of residence, 12239
issues a certificate of title to the applicant, the clerk shall 12240
transmit data related to the transaction to the automated title 12241
processing system. 12242

(2) If a certificate of title previously has been issued for 12243
the watercraft or outboard motor, the application for a 12244
certificate of title also shall be accompanied by the certificate 12245
of title duly assigned unless otherwise provided in this chapter. 12246
If a certificate of title previously has not been issued for the 12247
watercraft or outboard motor in this state, the application, 12248
unless otherwise provided in this chapter, shall be accompanied by 12249
a manufacturer's or importer's certificate; by a sworn statement 12250
of ownership if the watercraft or outboard motor was purchased by 12251
the applicant on or before October 9, 1963, or if the watercraft 12252
is less than fourteen feet long with a permanently affixed 12253
mechanical means of propulsion and was purchased by the applicant 12254
on or before January 1, 2000; or by a certificate of title, bill 12255
of sale, or other evidence of ownership required by the law of 12256
another state from which the watercraft or outboard motor was 12257
brought into this state. Evidence of ownership of a watercraft or 12258
outboard motor for which an Ohio certificate of title previously 12259
has not been issued and which watercraft or outboard motor does 12260
not have permanently affixed to it a manufacturer's serial number 12261
shall be accompanied by the certificate of assignment of a hull 12262
identification number assigned by the chief as provided in section 12263
1548.07 of the Revised Code. 12264

(3) The clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued, except that, if an application for a certificate of title is filed electronically, by a vendor on behalf of a purchaser of a watercraft or outboard motor, the clerk shall retain the completed electronic record to which the vendor converted the certificate of title application and other required documents. The chief, after consultation with the attorney general, shall adopt rules that govern the location at which, and the manner in which, are stored the actual application and all other documents relating to the sale of a watercraft or outboard motor when a vendor files the application for a certificate of title electronically on behalf of a purchaser.

(B) The clerk shall use reasonable diligence in ascertaining whether the facts in the application are true by checking the application and documents accompanying it or the electronic record to which a vendor converted the application and accompanying documents with the records of watercraft and outboard motors in the clerk's office. If the clerk is satisfied that the applicant is the owner of the watercraft or outboard motor and that the application is in the proper form, the clerk shall issue a physical certificate of title over the clerk's signature and sealed with the clerk's seal unless the applicant specifically requests the clerk not to issue a physical certificate of title and instead to issue an electronic certificate of title. However, if the evidence indicates and an investigation shows that one or more Ohio titles already exist for the watercraft or outboard motor, the chief may cause the redundant title or titles to be canceled.

(C) In the case of the sale of a watercraft or outboard motor by a vendor to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the vendor

upon application signed by the purchaser. In all other cases, the certificate shall be obtained by the purchaser. In all cases of transfer of watercraft or outboard motors, the application for certificate of title shall be filed within thirty days after the later of the date of purchase or assignment of ownership of the watercraft or outboard motor. If the application for certificate of title is not filed within thirty days after the later of the date of purchase or assignment of ownership of the watercraft or outboard motor, the clerk shall charge a late penalty fee of five dollars in addition to the fee prescribed by section 1548.10 of the Revised Code. The clerk shall retain the entire amount of each late penalty fee.

(D) The clerk shall refuse to accept an application for certificate of title unless the applicant either tenders with the application payment of all taxes levied by or pursuant to Chapter 5739. or 5741. of the Revised Code based on the applicant's county of residence ~~less, in the case of a sale by a vendor, any discount to which the vendor is entitled under section 5739.12 of the Revised Code,~~ or submits any of the following:

(1) A receipt issued by the tax commissioner or a clerk of courts showing payment of the tax;

(2) A copy of the unit certificate of exemption completed by the purchaser at the time of sale as provided in section 5739.03 of the Revised Code;

(3) An exemption certificate, in a form prescribed by the tax commissioner, that specifies why the purchase is not subject to the tax imposed by Chapter 5739. or 5741. of the Revised Code.

Payment of the tax shall be in accordance with rules issued by the tax commissioner, and the clerk shall issue a receipt in the form prescribed by the tax commissioner to any applicant who tenders payment of the tax with the application for the

certificate of title. 12328

(E)(1) For receiving and disbursing the taxes paid to the 12329
clerk by a resident of the clerk's county, the clerk may retain a 12330
poundage fee of one and one one-hundredth per cent of the taxes 12331
collected, which shall be paid into the certificate of title 12332
administration fund created by section 325.33 of the Revised Code. 12333
The clerk shall not retain a poundage fee from payments of taxes 12334
by persons who do not reside in the clerk's county. 12335

(2) A clerk, however, may retain from the taxes paid to the 12336
clerk an amount equal to the poundage fees associated with 12337
certificates of title issued by other clerks of courts of common 12338
pleas to applicants who reside in the first clerk's county. The 12339
chief of the division of watercraft, in consultation with the tax 12340
commissioner and the clerks of the courts of common pleas, shall 12341
develop a report from the automated title processing system that 12342
informs each clerk of the amount of the poundage fees that the 12343
clerk is permitted to retain from those taxes because of 12344
certificates of title issued by the clerks of other counties to 12345
applicants who reside in the first clerk's county. 12346

(F) In the case of casual sales of watercraft or outboard 12347
motors that are subject to the tax imposed by Chapter 5739. or 12348
5741. of the Revised Code, the purchase price for the purpose of 12349
determining the tax shall be the purchase price on an affidavit 12350
executed and filed with the clerk by the vendor on a form to be 12351
prescribed by the chief, which shall be prima-facie evidence of 12352
the price for the determination of the tax. In addition to the 12353
information required by section 1548.08 of the Revised Code, each 12354
certificate of title shall contain in bold lettering the following 12355
notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 12356
(SELLER AND BUYER). You are required by law to state the true 12357
selling price. A false statement is a violation of section 2921.13 12358
of the Revised Code and is punishable by six months imprisonment 12359

or a fine of up to one thousand dollars, or both. All transfers 12360
are audited by the department of taxation. The seller and buyer 12361
must provide any information requested by the department of 12362
taxation. The buyer may be assessed any additional tax found to be 12363
due." 12364

(G) Each county clerk of courts shall forward to the 12365
treasurer of state all sales and use tax collections resulting 12366
from sales of titled watercraft and outboard motors during a 12367
calendar week on or before the Friday following the close of that 12368
week. If, on any Friday, the offices of the clerk of courts or the 12369
state are not open for business, the tax shall be forwarded to the 12370
treasurer of state on or before the next day on which the offices 12371
are open. Every remittance of tax under this division shall be 12372
accompanied by a remittance report in such form as the tax 12373
commissioner prescribes. Upon receipt of a tax remittance and 12374
remittance report, the treasurer of state shall date stamp the 12375
report and forward it to the tax commissioner. If the tax due for 12376
any week is not remitted by a clerk of courts as required under 12377
this division, the clerk shall forfeit the poundage fees for the 12378
sales made during that week. The treasurer of state may require 12379
the clerks of courts to transmit tax collections and remittance 12380
reports electronically. 12381

(H) For purposes of a transfer of a certificate of title, if 12382
the clerk is satisfied that a secured party has discharged a lien 12383
but has not canceled the lien notation with a clerk, the clerk may 12384
cancel the lien notation on the automated title processing system 12385
and notify the clerk of the county of origin. 12386

(I) Every clerk shall have the capability to transact by 12387
electronic means all procedures and transactions relating to the 12388
issuance of watercraft or outboard motor certificates of title 12389
that are described in the Revised Code as being accomplished by 12390
electronic means. 12391

Sec. 1555.08. (A) Subject to the limitations provided in 12392
Section 15 of Article VIII, Ohio Constitution, the commissioners 12393
of the sinking fund, upon certification by the director of the 12394
Ohio coal development office of the amount of moneys or additional 12395
moneys needed in the coal research and development fund for the 12396
purpose of making grants or loans for allowable costs, or needed 12397
for capitalized interest, for funding reserves, and for paying 12398
costs and expenses incurred in connection with the issuance, 12399
carrying, securing, paying, redeeming, or retirement of the 12400
obligations or any obligations refunded thereby, including payment 12401
of costs and expenses relating to letters of credit, lines of 12402
credit, insurance, put agreements, standby purchase agreements, 12403
indexing, marketing, remarketing and administrative arrangements, 12404
interest swap or hedging agreements, and any other credit 12405
enhancement, liquidity, remarketing, renewal, or refunding 12406
arrangements, all of which are authorized by this section, or 12407
providing moneys for loan guarantees, shall issue obligations of 12408
the state under this section in amounts authorized by the general 12409
assembly; provided that such obligations may be issued to the 12410
extent necessary to satisfy the covenants in contracts of 12411
guarantee made under section 1555.05 of the Revised Code to issue 12412
obligations to meet such guarantees, notwithstanding limitations 12413
otherwise applicable to the issuance of obligations under this 12414
section except the one-hundred-million-dollar limitation provided 12415
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 12416
such obligations, except for the portion to be deposited in the 12417
coal research and development bond service fund as may be provided 12418
in the bond proceedings, shall as provided in the bond proceedings 12419
be deposited in the coal research and development fund. The 12420
commissioners of the sinking fund may appoint trustees, paying 12421
agents, and transfer agents and may retain the services of 12422
financial advisors, accounting experts, and attorneys, and retain 12423

or contract for the services of marketing, remarketing, indexing, 12424
and administrative agents, other consultants, and independent 12425
contractors, including printing services, as are necessary in 12426
their judgment to carry out this section. 12427

(B) The full faith and credit of the state of Ohio is hereby 12428
pledged to obligations issued under this section. The right of the 12429
holders and owners to payment of bond service charges is limited 12430
to all or that portion of the moneys pledged thereto pursuant to 12431
the bond proceedings in accordance with this section, and each 12432
such obligation shall bear on its face a statement to that effect. 12433

(C) Obligations shall be authorized by resolution of the 12434
commissioners of the sinking fund on request of the director of 12435
the Ohio coal development office as provided in section 1555.02 of 12436
the Revised Code and the bond proceedings shall provide for the 12437
purpose thereof and the principal amount or amounts, and shall 12438
provide for or authorize the manner or agency for determining the 12439
principal maturity or maturities, not exceeding forty years from 12440
the date of issuance, the interest rate or rates or the maximum 12441
interest rate, the date of the obligations and the dates of 12442
payment of interest thereon, their denomination, and the 12443
establishment within or without the state of a place or places of 12444
payment of bond service charges. Sections 9.98 to 9.983 of the 12445
Revised Code apply to obligations issued under this section. The 12446
purpose of such obligations may be stated in the bond proceedings 12447
in terms describing the general purpose or purposes to be served. 12448
The bond proceedings shall also provide, subject to the provisions 12449
of any other applicable bond proceedings, for the pledge of all, 12450
or such part as the commissioners of the sinking fund may 12451
determine, of the moneys credited to the coal research and 12452
development bond service fund to the payment of bond service 12453
charges, which pledges may be made either prior or subordinate to 12454
other expenses, claims, or payments and may be made to secure the 12455

obligations on a parity with obligations theretofore or thereafter 12456
issued, if and to the extent provided in the bond proceedings. The 12457
moneys so pledged and thereafter received by the state are 12458
immediately subject to the lien of such pledge without any 12459
physical delivery thereof or further act, and the lien of any such 12460
pledges is valid and binding against all parties having claims of 12461
any kind against the state or any governmental agency of the 12462
state, irrespective of whether such parties have notice thereof, 12463
and shall create a perfected security interest for all purposes of 12464
Chapter 1309. of the Revised Code, without the necessity for 12465
separation or delivery of funds or for the filing or recording of 12466
the bond proceedings by which such pledge is created or any 12467
certificate, statement or other document with respect thereto; and 12468
the pledge of such moneys is effective and the money therefrom and 12469
thereof may be applied to the purposes for which pledged without 12470
necessity for any act of appropriation. Every pledge, and every 12471
covenant and agreement made with respect thereto, made in the bond 12472
proceedings may therein be extended to the benefit of the owners 12473
and holders of obligations authorized by this section, and to any 12474
trustee therefor, for the further security of the payment of the 12475
bond service charges. 12476

(D) The bond proceedings may contain additional provisions as 12477
to: 12478

(1) The redemption of obligations prior to maturity at the 12479
option of the commissioners of the sinking fund at such price or 12480
prices and under such terms and conditions as are provided in the 12481
bond proceedings; 12482

(2) Other terms of the obligations; 12483

(3) Limitations on the issuance of additional obligations; 12484

(4) The terms of any trust agreement or indenture securing 12485
the obligations or under which the obligations may be issued; 12486

(5) The deposit, investment, and application of the coal 12487
research and development bond service fund, and the safeguarding 12488
of moneys on hand or on deposit, without regard to Chapter 131. or 12489
135. of the Revised Code, but subject to any special provisions of 12490
this chapter, with respect to particular moneys; provided, that 12491
any bank or trust company which acts as depository of any moneys 12492
in the fund may furnish such indemnifying bonds or may pledge such 12493
securities as required by the commissioners of the sinking fund; 12494

(6) Any other provision of the bond proceedings being binding 12495
upon the commissioners of the sinking fund, or such other body or 12496
person as may from time to time have the authority under law to 12497
take such actions as may be necessary to perform all or any part 12498
of the duty required by such provision; 12499

(7) Any provision which may be made in a trust agreement or 12500
indenture; 12501

(8) Any other or additional agreements with the holders of 12502
the obligations, or the trustee therefor, relating to the 12503
obligations or the security therefor, including the assignment of 12504
mortgages or other security obtained or to be obtained for loans 12505
under this chapter. 12506

(E) The obligations may have the great seal of the state or a 12507
facsimile thereof affixed thereto or printed thereon. The 12508
obligations shall be signed by such members of the commissioners 12509
of the sinking fund as are designated in the resolution 12510
authorizing the obligations or bear the facsimile signatures of 12511
such members. Any coupons attached to the obligations shall bear 12512
the facsimile signature of the treasurer of state. Any obligations 12513
may be executed by the persons who, on the date of execution, are 12514
the commissioners although on the date of such bonds the persons 12515
were not the commissioners. Any coupons may be executed by the 12516
person who, on the date of execution, is the treasurer of state 12517
although on the date of such coupons the person was not the 12518

treasurer of state. In case any officer or commissioner whose signature or a facsimile of whose signature appears on any such obligations or any coupons ceases to be such officer or commissioner before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the individual had remained such officer or commissioner until such delivery; and in case the seal to be affixed to obligations has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.

(F) All obligations except loan guarantees are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both, as the commissioners of the sinking fund determine. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

(G) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings.

(H) Pending preparation of definitive obligations, the commissioners of the sinking fund may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

(I) In the discretion of the commissioners of the sinking fund, obligations may be secured additionally by a trust agreement

or indenture between the commissioners and a corporate trustee, 12551
which may be any trust company or bank having ~~its principal a~~ 12552
place of business within the state. Any such agreement or 12553
indenture may contain the resolution authorizing the issuance of 12554
the obligations, any provisions that may be contained in any bond 12555
proceedings, and other provisions that are customary or 12556
appropriate in an agreement or indenture of such type, including, 12557
but not limited to: 12558

(1) Maintenance of each pledge, trust agreement, indenture, 12559
or other instrument comprising part of the bond proceedings until 12560
the state has fully paid the bond service charges on the 12561
obligations secured thereby, or provision therefor has been made; 12562

(2) In the event of default in any payments required to be 12563
made by the bond proceedings, or any other agreement of the 12564
commissioners of the sinking fund made as a part of the contract 12565
under which the obligations were issued, enforcement of such 12566
payments or agreement by mandamus, the appointment of a receiver, 12567
suit in equity, action at law, or any combination of the 12568
foregoing; 12569

(3) The rights and remedies of the holders of obligations and 12570
of the trustee, and provisions for protecting and enforcing them, 12571
including limitations on rights of individual holders of 12572
obligations; 12573

(4) The replacement of any obligations that become mutilated 12574
or are destroyed, lost, or stolen; 12575

(5) Such other provisions as the trustee and the 12576
commissioners of the sinking fund agree upon, including 12577
limitations, conditions, or qualifications relating to any of the 12578
foregoing. 12579

(J) Any holder of obligations or a trustee under the bond 12580
proceedings, except to the extent that the holder's rights are 12581

restricted by the bond proceedings, may by any suitable form of 12582
legal proceedings protect and enforce any rights under the laws of 12583
this state or granted by such bond proceedings. Such rights 12584
include the right to compel the performance of all duties of the 12585
commissioners of the sinking fund, the Ohio air quality 12586
development authority, or the Ohio coal development office 12587
required by this chapter and Chapter 1551. of the Revised Code or 12588
the bond proceedings; to enjoin unlawful activities; and in the 12589
event of default with respect to the payment of any bond service 12590
charges on any obligations or in the performance of any covenant 12591
or agreement on the part of the commissioners, the authority, or 12592
the office in the bond proceedings, to apply to a court having 12593
jurisdiction of the cause to appoint a receiver to receive and 12594
administer the moneys pledged, other than those in the custody of 12595
the treasurer of state, that are pledged to the payment of the 12596
bond service charges on such obligations or that are the subject 12597
of the covenant or agreement, with full power to pay, and to 12598
provide for payment of bond service charges on, such obligations, 12599
and with such powers, subject to the direction of the court, as 12600
are accorded receivers in general equity cases, excluding any 12601
power to pledge additional revenues or receipts or other income or 12602
moneys of the commissioners of the sinking fund or the state or 12603
governmental agencies of the state to the payment of such 12604
principal and interest and excluding the power to take possession 12605
of, mortgage, or cause the sale or otherwise dispose of any 12606
project. 12607

Each duty of the commissioners of the sinking fund and their 12608
employees, and of each governmental agency and its officers, 12609
members, or employees, undertaken pursuant to the bond proceedings 12610
or any grant, loan, or loan guarantee agreement made under 12611
authority of this chapter, and in every agreement by or with the 12612
commissioners, is hereby established as a duty of the 12613
commissioners, and of each such officer, member, or employee 12614

having authority to perform such duty, specifically enjoined by 12615
the law resulting from an office, trust, or station within the 12616
meaning of section 2731.01 of the Revised Code. 12617

The persons who are at the time the commissioners of the 12618
sinking fund, or their employees, are not liable in their personal 12619
capacities on any obligations issued by the commissioners or any 12620
agreements of or with the commissioners. 12621

(K) Obligations issued under this section are lawful 12622
investments for banks, societies for savings, savings and loan 12623
associations, deposit guarantee associations, trust companies, 12624
trustees, fiduciaries, insurance companies, including domestic for 12625
life and domestic not for life, trustees or other officers having 12626
charge of sinking and bond retirement or other special funds of 12627
political subdivisions and taxing districts of this state, the 12628
commissioners of the sinking fund of the state, the administrator 12629
of workers' compensation, the state teachers retirement system, 12630
the public employees retirement system, the school employees 12631
retirement system, and the Ohio police and fire pension fund, 12632
notwithstanding any other provisions of the Revised Code or rules 12633
adopted pursuant thereto by any governmental agency of the state 12634
with respect to investments by them, and are also acceptable as 12635
security for the deposit of public moneys. 12636

(L) If the law or the instrument creating a trust pursuant to 12637
division (I) of this section expressly permits investment in 12638
direct obligations of the United States or an agency of the United 12639
States, unless expressly prohibited by the instrument, such moneys 12640
also may be invested in no-front-end-load money market mutual 12641
funds consisting exclusively of obligations of the United States 12642
or an agency of the United States and in repurchase agreements, 12643
including those issued by the fiduciary itself, secured by 12644
obligations of the United States or an agency of the United 12645
States; and in collective investment funds established in 12646

accordance with section 1111.14 of the Revised Code and consisting 12647
exclusively of any such securities, notwithstanding division 12648
(A)(1)(c) of that section. The income from such investments shall 12649
be credited to such funds as the commissioners of the sinking fund 12650
determine, and such investments may be sold at such times as the 12651
commissioners determine or authorize. 12652

(M) Provision may be made in the applicable bond proceedings 12653
for the establishment of separate accounts in the bond service 12654
fund and for the application of such accounts only to the 12655
specified bond service charges on obligations pertinent to such 12656
accounts and bond service fund and for other accounts therein 12657
within the general purposes of such fund. Moneys to the credit of 12658
the bond service fund shall be disbursed on the order of the 12659
treasurer of state; provided, that no such order is required for 12660
the payment from the bond service fund when due of bond service 12661
charges on obligations. 12662

(N) The commissioners of the sinking fund may pledge all, or 12663
such portion as they determine, of the receipts of the bond 12664
service fund to the payment of bond service charges on obligations 12665
issued under this section, and for the establishment and 12666
maintenance of any reserves, as provided in the bond proceedings, 12667
and make other provisions therein with respect to pledged receipts 12668
as authorized by this chapter, which provisions control 12669
notwithstanding any other provisions of law pertaining thereto. 12670

(O) The commissioners of the sinking fund may covenant in the 12671
bond proceedings, and any such covenants control notwithstanding 12672
any other provision of law, that the state and applicable officers 12673
and governmental agencies of the state, including the general 12674
assembly, so long as any obligations are outstanding, shall: 12675

(1) Maintain statutory authority for and cause to be levied 12676
and collected taxes so that the pledged receipts are sufficient in 12677
amount to meet bond service charges, and the establishment and 12678

maintenance of any reserves and other requirements provided for in 12679
the bond proceedings, and, as necessary, to meet covenants 12680
contained in any loan guarantees made under this chapter; 12681

(2) Take or permit no action, by statute or otherwise, that 12682
would impair the exemption from federal income taxation of the 12683
interest on the obligations. 12684

(P) All moneys received by or on account of the state and 12685
required by the applicable bond proceedings, consistent with this 12686
section, to be deposited, transferred, or credited to the coal 12687
research and development bond service fund, and all other moneys 12688
transferred or allocated to or received for the purposes of the 12689
fund, shall be credited to such fund and to any separate accounts 12690
therein, subject to applicable provisions of the bond proceedings, 12691
but without necessity for any act of appropriation. During the 12692
period beginning with the date of the first issuance of 12693
obligations and continuing during such time as any such 12694
obligations are outstanding, and so long as moneys in the bond 12695
service fund are insufficient to pay all bond service charges on 12696
such obligations becoming due in each year, a sufficient amount of 12697
moneys of the state are committed and shall be paid to the bond 12698
service fund in each year for the purpose of paying the bond 12699
service charges becoming due in that year without necessity for 12700
further act of appropriation for such purpose. The bond service 12701
fund is a trust fund and is hereby pledged to the payment of bond 12702
service charges to the extent provided in the applicable bond 12703
proceedings, and payment thereof from such fund shall be made or 12704
provided for by the treasurer of state in accordance with such 12705
bond proceedings without necessity for any act of appropriation. 12706
All investment earnings of the fund shall be credited to the fund. 12707

(Q) For purposes of establishing the limitations contained in 12708
Section 15 of Article VIII, Ohio Constitution, the "principal 12709
amount" refers to the aggregate of the offering price of the bonds 12710

or notes. "Principal amount" does not refer to the aggregate value 12711
at maturity or redemption of the bonds or notes. 12712

(R) This section applies only with respect to obligations 12713
issued and delivered prior to September 30, 2000. 12714

Sec. 1557.03. (A)(1) The commissioners of the sinking fund 12715
are authorized to issue and sell, as provided in this section and 12716
in amounts from time to time authorized by the general assembly, 12717
general obligations of this state for the purpose of financing or 12718
assisting in the financing of the costs of projects. The full 12719
faith and credit, revenues, and taxing power of the state are and 12720
shall be pledged to the timely payment of debt charges on 12721
outstanding obligations, all in accordance with Section 21 of 12722
Article VIII, Ohio Constitution, and Chapter 1557. of the Revised 12723
Code, excluding from that pledge fees, excises, or taxes relating 12724
to the registration, operation, or use of vehicles on the public 12725
highways, or to fuels used for propelling those vehicles, and so 12726
long as such obligations are outstanding there shall be levied and 12727
collected excises and taxes, excluding those excepted above, in 12728
amount sufficient to pay the debt charges on such obligations and 12729
financing costs relating to credit enhancement facilities. 12730

(2) For meetings of the commissioners of the sinking fund 12731
pertaining to the obligations under this chapter, each of the 12732
commissioners may designate an employee or officer of that 12733
commissioner's office to attend meetings when that commissioner is 12734
absent for any reason, and such designee, when present, shall be 12735
counted in determining whether a quorum is present at any meeting 12736
and may vote and participate in all proceedings and actions of the 12737
commissioners at that meeting pertaining to the obligations, 12738
provided, that such designee shall not execute or cause a 12739
facsimile of the designee's signature to be placed on any 12740
obligation, or execute any trust agreement or indenture of the 12741

commissioners. Such designation shall be in writing, executed by 12742
the designating member, and shall be filed with the secretary of 12743
the commissioners and such designation may be changed from time to 12744
time by a similar written designation. 12745

(B) The total principal amount of obligations outstanding at 12746
any one time shall not exceed two hundred million dollars, and not 12747
more than fifty million dollars in principal amount of obligations 12748
to pay costs of projects may be issued in any fiscal year, all 12749
determined as provided in Chapter 1557. of the Revised Code. 12750

(C) The state may participate by grants or contributions in 12751
financing projects under this section made by local government 12752
entities. Of the proceeds of the first two hundred million dollars 12753
principal amount in obligations issued under this section to pay 12754
costs of projects, at least twenty per cent shall be allocated in 12755
accordance with section 1557.06 of the Revised Code to grants or 12756
contributions to local government entities. The director of budget 12757
and management shall establish and maintain records in such manner 12758
as to show that the proceeds credited to the Ohio parks and 12759
natural resources fund have been expended for the purposes and in 12760
accordance with the limitations set forth herein. 12761

(D) Each issue of obligations shall be authorized by 12762
resolution of the commissioners of the sinking fund. The bond 12763
proceedings shall provide for the principal amount or maximum 12764
principal amount of obligations of an issue, and shall provide for 12765
or authorize the manner or agency for determining the principal 12766
maturity or maturities, not exceeding the earlier of twenty-five 12767
years from the date the debt represented by the particular 12768
obligations was originally contracted, the interest rate or rates, 12769
the date of and the dates of payment of interest on the 12770
obligations, their denominations, and the establishment within or 12771
without the state of a place or places of payment of debt charges. 12772
Sections 9.96 and 9.98 to 9.983 of the Revised Code are applicable 12773

to the obligations. The purpose of the obligations may be stated 12774
in the bond proceedings as "financing or assisting in the 12775
financing of projects as provided in Section 21 of Article VIII, 12776
Ohio Constitution." 12777

(E) The proceeds of the obligations, except for any portion 12778
to be deposited in special funds, or in escrow funds for the 12779
purpose of refunding outstanding obligations, all as may be 12780
provided in the bond proceedings, shall be deposited in the Ohio 12781
parks and natural resources fund established by section 1557.02 of 12782
the Revised Code. 12783

(F) The commissioners of the sinking fund may appoint paying 12784
agents, bond registrars, securities depositories, and transfer 12785
agents, and may retain the services of financial advisers and 12786
accounting experts, and retain or contract for the services of 12787
marketing, remarketing, indexing, and administrative agents, other 12788
consultants, and independent contractors, including printing 12789
services, as are necessary in the judgment of the commissioners to 12790
carry out this chapter of the Revised Code. Financing costs are 12791
payable, as provided in the bond proceedings, from the proceeds of 12792
the obligations, from special funds, or from other moneys 12793
available for the purpose. 12794

(G) The bond proceedings, including any trust agreement, may 12795
contain additional provisions customary or appropriate to the 12796
financing or to the obligations or to particular obligations, 12797
including, but not limited to: 12798

(1) The redemption of obligations prior to maturity at the 12799
option of the state or of the holder or upon the occurrence of 12800
certain conditions at such price or prices and under such terms 12801
and conditions as are provided in the bond proceedings; 12802

(2) The form of and other terms of the obligations; 12803

(3) The establishment, deposit, investment, and application 12804

of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, provided that any bank or trust company that acts as a depository of any moneys in special funds may furnish such indemnifying bonds or may pledge such securities as required by the commissioners of the sinking fund;

(4) Any or every provision of the bond proceedings binding upon the commissioners of the sinking fund and such state agency or local government entities, officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(5) The maintenance of each pledge, any trust agreement, or other instrument composing part of the bond proceedings until the state has fully paid or provided for the payment of the debt charges on the obligations or met other stated conditions;

(6) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the commissioners of the sinking fund made as part of a contract under which the obligations were issued or secured, the enforcement of such payments or agreements by mandamus, suit in equity, action at law, or any combination of the foregoing;

(7) The rights and remedies of the holders of obligations and of the trustee under any trust agreement, and provisions for protecting and enforcing them, including limitations on rights of individual holders of obligations;

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

(9) Provision for the funding, refunding, or advance refunding or other provision for payment of obligations which will

then no longer be or be deemed to be outstanding for purposes of 12836
this section or of the bond proceedings; 12837

(10) Any provision that may be made in bond proceedings or a 12838
trust agreement, including provision for amendment of the bond 12839
proceedings; 12840

(11) Such other provisions as the commissioners of the 12841
sinking fund determine, including limitations, conditions, or 12842
qualifications relating to any of the foregoing; 12843

(12) Any other or additional agreements with the holders of 12844
the obligations relating to the obligations or the security for 12845
the obligations. 12846

(H) The great seal of the state or a facsimile of that seal 12847
may be affixed to or printed on the obligations. The obligations 12848
shall be signed by or bear the facsimile signatures of two or more 12849
of the commissioners of the sinking fund as provided in the bond 12850
proceedings. Any obligations may be signed by the person who, on 12851
the date of execution, is the authorized signer although on the 12852
date of such obligations such person was not a commissioner. In 12853
case the individual whose signature or a facsimile of whose 12854
signature appears on any obligation ceases to be a commissioner 12855
before delivery of the obligation, such signature or facsimile is 12856
nevertheless valid and sufficient for all purposes as if the 12857
individual had remained the member until such delivery, and in 12858
case the seal to be affixed to or printed on obligations has been 12859
changed after the seal has been affixed to or a facsimile of the 12860
seal has been printed on the obligations, that seal or facsimile 12861
seal shall continue to be sufficient as to those obligations and 12862
obligations issued in substitution or exchange therefor. 12863

(I) Obligations may be issued in coupon or in fully 12864
registered form, or both, as the commissioners of the sinking fund 12865
determine. Provision may be made for the registration of any 12866

obligations with coupons attached as to principal alone or as to 12867
both principal and interest, their exchange for obligations so 12868
registered, and for the conversion or reconversion into 12869
obligations with coupons attached of any obligations registered as 12870
to both principal and interest, and for reasonable charges for 12871
such registration, exchange, conversion, and reconversion. Pending 12872
preparation of definitive obligations, the commissioners of the 12873
sinking fund may issue interim receipts or certificates which 12874
shall be exchanged for such definitive obligations. 12875

(J) Obligations may be sold at public sale or at private 12876
sale, and at such price at, above, or below par, as determined by 12877
the commissioners of the sinking fund in the bond proceedings. 12878

(K) In the discretion of the commissioners of the sinking 12879
fund, obligations may be secured additionally by a trust agreement 12880
between the state and a corporate trustee which may be any trust 12881
company or bank having ~~its principal~~ a place of business within 12882
the state. Any trust agreement may contain the resolution 12883
authorizing the issuance of the obligations, any provisions that 12884
may be contained in the bond proceedings, and other provisions 12885
that are customary or appropriate in an agreement of the type. 12886

(L) Except to the extent that their rights are restricted by 12887
the bond proceedings, any holder of obligations, or a trustee 12888
under the bond proceedings, may by any suitable form of legal 12889
proceedings protect and enforce any rights under the laws of this 12890
state or granted by the bond proceedings. Such rights include the 12891
right to compel the performance of all duties of the commissioners 12892
and the state. Each duty of the commissioners and employees of the 12893
commissioners, and of each state agency and local public entity 12894
and its officers, members, or employees, undertaken pursuant to 12895
the bond proceedings, is hereby established as a duty of the 12896
commissioners, and of each such agency, local government entity, 12897
officer, member, or employee having authority to perform such 12898

duty, specifically enjoined by the law and resulting from an 12899
office, trust, or station within the meaning of section 2731.01 of 12900
the Revised Code. The persons who are at the time the 12901
commissioners, or employees of the commissioners, are not liable 12902
in their personal capacities on any obligations or any agreements 12903
of or with the commissioners relating to obligations or under the 12904
bond proceedings. 12905

(M) Obligations are lawful investments for banks, societies 12906
for savings, savings and loan associations, deposit guarantee 12907
associations, trust companies, trustees, fiduciaries, insurance 12908
companies, including domestic for life and domestic not for life, 12909
trustees or other officers having charge of sinking and bond 12910
retirement or other special funds of political subdivisions and 12911
taxing districts of this state, the commissioners of the sinking 12912
fund, the administrator of workers' compensation, the state 12913
teachers retirement system, the public employees retirement 12914
system, the school employees retirement system, and the Ohio 12915
police and fire pension fund, notwithstanding any other provisions 12916
of the Revised Code or rules adopted pursuant thereto by any state 12917
agency with respect to investments by them, and are also 12918
acceptable as security for the deposit of public moneys. 12919

(N) Unless otherwise provided in any applicable bond 12920
proceedings, moneys to the credit of or in the special funds 12921
established by or pursuant to this section may be invested by or 12922
on behalf of the commissioners of the sinking fund only in notes, 12923
bonds, or other direct obligations of the United States or of any 12924
agency or instrumentality of the United States, in obligations of 12925
this state or any political subdivision of this state, in 12926
certificates of deposit of any national bank located in this state 12927
and any bank, as defined in section 1101.01 of the Revised Code, 12928
subject to inspection by the superintendent of financial 12929
institutions, in the Ohio subdivision's fund established pursuant 12930

to section 135.45 of the Revised Code, in no-front-end-load money 12931
market mutual funds consisting exclusively of direct obligations 12932
of the United States or of an agency or instrumentality of the 12933
United States, and in repurchase agreements, including those 12934
issued by any fiduciary, secured by direct obligations of the 12935
United States or an agency or instrumentality of the United 12936
States, and in collective investment funds established in 12937
accordance with section 1111.14 of the Revised Code and consisting 12938
exclusively of direct obligations of the United States or of an 12939
agency or instrumentality of the United States, notwithstanding 12940
division (A)(1)(c) of that section. The income from investments 12941
shall be credited to such special funds or otherwise as the 12942
commissioners of the sinking fund determine in the bond 12943
proceedings, and the investments may be sold or exchanged at such 12944
times as the commissioners determine or authorize. 12945

(O) Unless otherwise provided in any applicable bond 12946
proceedings, moneys to the credit of or in a special fund shall be 12947
disbursed on the order of the commissioners of the sinking fund, 12948
provided that no such order is required for the payment from the 12949
bond service fund or other special fund when due of debt charges 12950
or required payments under credit enhancement facilities. 12951

(P) The commissioners of the sinking fund may covenant in the 12952
bond proceedings, and any such covenants shall be controlling 12953
notwithstanding any other provision of law, that the state and the 12954
applicable officers and agencies of the state, including the 12955
general assembly, so long as any obligations are outstanding in 12956
accordance with their terms, shall maintain statutory authority 12957
for and cause to be charged and collected taxes, excises, and 12958
other receipts of the state so that the receipts to the bond 12959
service fund shall be sufficient in amounts to meet debt charges 12960
and for the establishment and maintenance of any reserves and 12961
other requirements, including payment of the costs of credit 12962

enhancement facilities, provided for in the bond proceedings. 12963

(Q) The obligations, the transfer thereof, and the interest, 12964
other accreted amounts, and other income therefrom, including any 12965
profit made on the sale thereof, at all times shall be free from 12966
taxation, direct or indirect, within the state. 12967

(R) This section applies only with respect to obligations 12968
issued and delivered before September 30, 2000. 12969

Sec. 1751.60. (A) Except as provided for in divisions (E) and 12970
(F) of this section, every provider or health care facility that 12971
contracts with a health insuring corporation to provide health 12972
care services to the health insuring corporation's enrollees or 12973
subscribers shall seek compensation for covered services solely 12974
from the health insuring corporation and not, under any 12975
circumstances, from the enrollees or subscribers, except for 12976
approved copayments and deductibles. 12977

(B) No subscriber or enrollee of a health insuring 12978
corporation is liable to any contracting provider or health care 12979
facility for the cost of any covered health care services, if the 12980
subscriber or enrollee has acted in accordance with the evidence 12981
of coverage. 12982

(C) Except as provided for in divisions (E) and (F) of this 12983
section, every contract between a health insuring corporation and 12984
provider or health care facility shall contain a provision 12985
approved by the superintendent of insurance requiring the provider 12986
or health care facility to seek compensation solely from the 12987
health insuring corporation and not, under any circumstances, from 12988
the subscriber or enrollee, except for approved copayments and 12989
deductibles. 12990

(D) Nothing in this section shall be construed as preventing 12991
a provider or health care facility from billing the enrollee or 12992

subscriber of a health insuring corporation for noncovered 12993
services. 12994

(E) Upon application by a health insuring corporation and a 12995
provider or health care facility, the superintendent may waive the 12996
requirements of divisions (A) and (C) of this section when, in 12997
addition to the reserve requirements contained in section 1751.28 12998
of the Revised Code, the health insuring corporation provides 12999
sufficient assurances to the superintendent that the provider or 13000
health care facility has been provided with financial guarantees. 13001
No waiver of the requirements of divisions (A) and (C) of this 13002
section is effective as to enrollees or subscribers for whom the 13003
health insuring corporation is compensated under a provider 13004
agreement or risk contract entered into pursuant to Chapter 5111. 13005
5114. or 5115. of the Revised Code. 13006

(F) The requirements of divisions (A) to (C) of this section 13007
apply only to health care services provided to an enrollee or 13008
subscriber prior to the effective date of a termination of a 13009
contract between the health insuring corporation and the provider 13010
or health care facility. 13011

Sec. 2151.43. In cases against an adult under sections 13012
2151.01 to 2151.54 of the Revised Code, any person may file an 13013
affidavit with the clerk of the juvenile court setting forth 13014
briefly, in plain and ordinary language, the charges against the 13015
accused who shall be tried thereon. When the child is a recipient 13016
of aid pursuant to Chapter 5107., 5114. or 5115. of the Revised 13017
Code, the county department of job and family services shall file 13018
charges against any person who fails to provide support to a child 13019
in violation of section 2919.21 of the Revised Code, unless the 13020
department files charges under section 3113.06 of the Revised 13021
Code, or unless charges of nonsupport are filed by a relative or 13022
guardian of the child, or unless action to enforce support is 13023

brought under Chapter 3115. of the Revised Code. 13024

In such prosecution an indictment by the grand jury or 13025
information by the prosecuting attorney shall not be required. The 13026
clerk shall issue a warrant for the arrest of the accused, who, 13027
when arrested, shall be taken before the juvenile judge and tried 13028
according to such sections. 13029

The affidavit may be amended at any time before or during the 13030
trial. 13031

The judge may bind such adult over to the grand jury, where 13032
the act complained of constitutes a felony. 13033

Sec. 2151.49. In every case of conviction under sections 13034
2151.01 to 2151.54 of the Revised Code, where imprisonment is 13035
imposed as part of the punishment, the juvenile judge may suspend 13036
sentence, before or during commitment, upon such condition as the 13037
juvenile judge imposes. In the case of conviction for nonsupport 13038
of a child who is receiving aid under Chapter 5107., 5114., or 13039
5115. of the Revised Code, if the juvenile judge suspends sentence 13040
on condition that the person make payments for support, the 13041
payment shall be made to the county department of job and family 13042
services rather than to the child or custodian of the child. 13043

The court, in accordance with sections 3119.29 to 3119.56 of 13044
the Revised Code, shall include in each support order made under 13045
this section the requirement that one or both of the parents 13046
provide for the health care needs of the child to the satisfaction 13047
of the court. 13048

Sec. 2305.234. (A) As used in this section: 13049

(1) "Chiropractic claim," "medical claim," and "optometric 13050
claim" have the same meanings as in section 2305.113 of the 13051
Revised Code. 13052

(2) "Dental claim" has the same meaning as in section 13053
2305.113 of the Revised Code, except that it does not include any 13054
claim arising out of a dental operation or any derivative claim 13055
for relief that arises out of a dental operation. 13056

(3) "Governmental health care program" has the same meaning 13057
as in section 4731.65 of the Revised Code. 13058

(4) "Health care facility or location" means a hospital, 13059
clinic, ambulatory surgical facility, office of a health care 13060
professional or associated group of health care professionals, 13061
training institution for health care professionals, or any other 13062
place where medical, dental, or other health-related diagnosis, 13063
care, or treatment is provided to a person. 13064

(5) "Health care professional" means any of the following who 13065
provide medical, dental, or other health-related diagnosis, care, 13066
or treatment: 13067

(a) Physicians authorized under Chapter 4731. of the Revised 13068
Code to practice medicine and surgery or osteopathic medicine and 13069
surgery; 13070

(b) Registered nurses and licensed practical nurses licensed 13071
under Chapter 4723. of the Revised Code and individuals who hold a 13072
certificate of authority issued under that chapter that authorizes 13073
the practice of nursing as a certified registered nurse 13074
anesthetist, clinical nurse specialist, certified nurse-midwife, 13075
or certified nurse practitioner; 13076

(c) Physician assistants authorized to practice under Chapter 13077
4730. of the Revised Code; 13078

(d) Dentists and dental hygienists licensed under Chapter 13079
4715. of the Revised Code; 13080

(e) Physical therapists, physical therapist assistants, 13081
occupational therapists, and occupational therapy assistants 13082

licensed under Chapter 4755. of the Revised Code;	13083
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	13084 13085
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	13086 13087
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	13088 13089
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	13090 13091
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	13092 13093
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	13094 13095 13096 13097
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	13098 13099
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code.	13100 13101
(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.	13102 13103 13104 13105 13106 13107 13108
(7) "Indigent and uninsured person" means a person who meets all of the following requirements:	13109 13110
(a) The person's income is not greater than two hundred per cent of the current poverty line as defined by the United States	13111 13112

office of management and budget and revised in accordance with 13113
section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 13114
95 Stat. 511, 42 U.S.C. 9902, as amended. 13115

(b) The person is not eligible to receive medical assistance 13116
under Chapter 5111., nonfederal medical assistance under Chapter 13117
5114. of the Revised Code, disability medical assistance under 13118
Chapter 5115. of the Revised Code, or assistance under any other 13119
governmental health care program. 13120

(c) Either of the following applies: 13121

(i) The person is not a policyholder, certificate holder, 13122
insured, contract holder, subscriber, enrollee, member, 13123
beneficiary, or other covered individual under a health insurance 13124
or health care policy, contract, or plan. 13125

(ii) The person is a policyholder, certificate holder, 13126
insured, contract holder, subscriber, enrollee, member, 13127
beneficiary, or other covered individual under a health insurance 13128
or health care policy, contract, or plan, but the insurer, policy, 13129
contract, or plan denies coverage or is the subject of insolvency 13130
or bankruptcy proceedings in any jurisdiction. 13131

(8) "Nonprofit health care referral organization" means an 13132
entity that is not operated for profit and refers patients to, or 13133
arranges for the provision of, health-related diagnosis, care, or 13134
treatment by a health care professional or health care worker. 13135

(9) "Operation" means any procedure that involves cutting or 13136
otherwise infiltrating human tissue by mechanical means, including 13137
surgery, laser surgery, ionizing radiation, therapeutic 13138
ultrasound, or the removal of intraocular foreign bodies. 13139
"Operation" does not include the administration of medication by 13140
injection, unless the injection is administered in conjunction 13141
with a procedure infiltrating human tissue by mechanical means 13142
other than the administration of medicine by injection. 13143

"Operation" does not include routine dental restorative 13144
procedures, the scaling of teeth, or extractions of teeth that are 13145
not impacted. 13146

(10) "Tort action" means a civil action for damages for 13147
injury, death, or loss to person or property other than a civil 13148
action for damages for a breach of contract or another agreement 13149
between persons or government entities. 13150

(11) "Volunteer" means an individual who provides any 13151
medical, dental, or other health-care related diagnosis, care, or 13152
treatment without the expectation of receiving and without receipt 13153
of any compensation or other form of remuneration from an indigent 13154
and uninsured person, another person on behalf of an indigent and 13155
uninsured person, any health care facility or location, any 13156
nonprofit health care referral organization, or any other person 13157
or government entity. 13158

(12) "Community control sanction" has the same meaning as in 13159
section 2929.01 of the Revised Code. 13160

(13) "Deep sedation" means a drug-induced depression of 13161
consciousness during which a patient cannot be easily aroused but 13162
responds purposefully following repeated or painful stimulation, a 13163
patient's ability to independently maintain ventilatory function 13164
may be impaired, a patient may require assistance in maintaining a 13165
patent airway and spontaneous ventilation may be inadequate, and 13166
cardiovascular function is usually maintained. 13167

(14) "General anesthesia" means a drug-induced loss of 13168
consciousness during which a patient is not arousable, even by 13169
painful stimulation, the ability to independently maintain 13170
ventilatory function is often impaired, a patient often requires 13171
assistance in maintaining a patent airway, positive pressure 13172
ventilation may be required because of depressed spontaneous 13173
ventilation or drug-induced depression of neuromuscular function, 13174

and cardiovascular function may be impaired. 13175

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 13176
health care professional who is a volunteer and complies with 13177
division (B)(2) of this section is not liable in damages to any 13178
person or government entity in a tort or other civil action, 13179
including an action on a medical, dental, chiropractic, 13180
optometric, or other health-related claim, for injury, death, or 13181
loss to person or property that allegedly arises from an action or 13182
omission of the volunteer in the provision to an indigent and 13183
uninsured person of medical, dental, or other health-related 13184
diagnosis, care, or treatment, including the provision of samples 13185
of medicine and other medical products, unless the action or 13186
omission constitutes willful or wanton misconduct. 13187

(2) To qualify for the immunity described in division (B)(1) 13188
of this section, a health care professional shall do all of the 13189
following prior to providing diagnosis, care, or treatment: 13190

(a) Determine, in good faith, that the indigent and uninsured 13191
person is mentally capable of giving informed consent to the 13192
provision of the diagnosis, care, or treatment and is not subject 13193
to duress or under undue influence; 13194

(b) Inform the person of the provisions of this section, 13195
including notifying the person that, by giving informed consent to 13196
the provision of the diagnosis, care, or treatment, the person 13197
cannot hold the health care professional liable for damages in a 13198
tort or other civil action, including an action on a medical, 13199
dental, chiropractic, optometric, or other health-related claim, 13200
unless the action or omission of the health care professional 13201
constitutes willful or wanton misconduct; 13202

(c) Obtain the informed consent of the person and a written 13203
waiver, signed by the person or by another individual on behalf of 13204
and in the presence of the person, that states that the person is 13205

mentally competent to give informed consent and, without being 13206
subject to duress or under undue influence, gives informed consent 13207
to the provision of the diagnosis, care, or treatment subject to 13208
the provisions of this section. A written waiver under division 13209
(B)(2)(c) of this section shall state clearly and in conspicuous 13210
type that the person or other individual who signs the waiver is 13211
signing it with full knowledge that, by giving informed consent to 13212
the provision of the diagnosis, care, or treatment, the person 13213
cannot bring a tort or other civil action, including an action on 13214
a medical, dental, chiropractic, optometric, or other 13215
health-related claim, against the health care professional unless 13216
the action or omission of the health care professional constitutes 13217
willful or wanton misconduct. 13218

(3) A physician or podiatrist who is not covered by medical 13219
malpractice insurance, but complies with division (B)(2) of this 13220
section, is not required to comply with division (A) of section 13221
4731.143 of the Revised Code. 13222

(C) Subject to divisions (F) and (G)(3) of this section, 13223
health care workers who are volunteers are not liable in damages 13224
to any person or government entity in a tort or other civil 13225
action, including an action upon a medical, dental, chiropractic, 13226
optometric, or other health-related claim, for injury, death, or 13227
loss to person or property that allegedly arises from an action or 13228
omission of the health care worker in the provision to an indigent 13229
and uninsured person of medical, dental, or other health-related 13230
diagnosis, care, or treatment, unless the action or omission 13231
constitutes willful or wanton misconduct. 13232

(D) Subject to divisions (F) and (G)(3) of this section, a 13233
nonprofit health care referral organization is not liable in 13234
damages to any person or government entity in a tort or other 13235
civil action, including an action on a medical, dental, 13236
chiropractic, optometric, or other health-related claim, for 13237

injury, death, or loss to person or property that allegedly arises 13238
from an action or omission of the nonprofit health care referral 13239
organization in referring indigent and uninsured persons to, or 13240
arranging for the provision of, medical, dental, or other 13241
health-related diagnosis, care, or treatment by a health care 13242
professional described in division (B)(1) of this section or a 13243
health care worker described in division (C) of this section, 13244
unless the action or omission constitutes willful or wanton 13245
misconduct. 13246

(E) Subject to divisions (F) and (G)(3) of this section and 13247
to the extent that the registration requirements of section 13248
3701.071 of the Revised Code apply, a health care facility or 13249
location associated with a health care professional described in 13250
division (B)(1) of this section, a health care worker described in 13251
division (C) of this section, or a nonprofit health care referral 13252
organization described in division (D) of this section is not 13253
liable in damages to any person or government entity in a tort or 13254
other civil action, including an action on a medical, dental, 13255
chiropractic, optometric, or other health-related claim, for 13256
injury, death, or loss to person or property that allegedly arises 13257
from an action or omission of the health care professional or 13258
worker or nonprofit health care referral organization relative to 13259
the medical, dental, or other health-related diagnosis, care, or 13260
treatment provided to an indigent and uninsured person on behalf 13261
of or at the health care facility or location, unless the action 13262
or omission constitutes willful or wanton misconduct. 13263

(F)(1) Except as provided in division (F)(2) of this section, 13264
the immunities provided by divisions (B), (C), (D), and (E) of 13265
this section are not available to a health care professional, 13266
health care worker, nonprofit health care referral organization, 13267
or health care facility or location if, at the time of an alleged 13268
injury, death, or loss to person or property, the health care 13269

professionals or health care workers involved are providing one of 13270
the following: 13271

(a) Any medical, dental, or other health-related diagnosis, 13272
care, or treatment pursuant to a community service work order 13273
entered by a court under division (B) of section 2951.02 of the 13274
Revised Code or imposed by a court as a community control 13275
sanction; 13276

(b) Performance of an operation to which any one of the 13277
following applies: 13278

(i) The operation requires the administration of deep 13279
sedation or general anesthesia. 13280

(ii) The operation is a procedure that is not typically 13281
performed in an office. 13282

(iii) The individual involved is a health care professional, 13283
and the operation is beyond the scope of practice or the 13284
education, training, and competence, as applicable, of the health 13285
care professional. 13286

(c) Delivery of a baby or any other purposeful termination of 13287
a human pregnancy. 13288

(2) Division (F)(1) of this section does not apply when a 13289
health care professional or health care worker provides medical, 13290
dental, or other health-related diagnosis, care, or treatment that 13291
is necessary to preserve the life of a person in a medical 13292
emergency. 13293

(G)(1) This section does not create a new cause of action or 13294
substantive legal right against a health care professional, health 13295
care worker, nonprofit health care referral organization, or 13296
health care facility or location. 13297

(2) This section does not affect any immunities from civil 13298
liability or defenses established by another section of the 13299

Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other medical, dental, or other health-related diagnosis, care, or treatment.

(3) This section does not grant an immunity from tort or other civil liability to a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location for actions that are outside the scope of authority of health care professionals or health care workers.

(4) This section does not affect any legal responsibility of a health care professional, health care worker, or nonprofit health care referral organization to comply with any applicable law of this state or rule of an agency of this state.

(5) This section does not affect any legal responsibility of a health care facility or location to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.

Sec. 2744.05. Notwithstanding any other provisions of the Revised Code or rules of a court to the contrary, in an action against a political subdivision to recover damages for injury, death, or loss to person or property caused by an act or omission in connection with a governmental or proprietary function:

(A) Punitive or exemplary damages shall not be awarded.

(B)(1) If a claimant receives or is entitled to receive benefits for injuries or loss allegedly incurred from a policy or policies of insurance or any other source, the benefits shall be disclosed to the court, and the amount of the benefits shall be

deducted from any award against a political subdivision recovered 13330
by that claimant. No insurer or other person is entitled to bring 13331
an action under a subrogation provision in an insurance or other 13332
contract against a political subdivision with respect to those 13333
benefits. 13334

The amount of the benefits shall be deducted from an award 13335
against a political subdivision under division (B)(1) of this 13336
section regardless of whether the claimant may be under an 13337
obligation to pay back the benefits upon recovery, in whole or in 13338
part, for the claim. A claimant whose benefits have been deducted 13339
from an award under division (B)(1) of this section is not 13340
considered fully compensated and shall not be required to 13341
reimburse a subrogated claim for benefits deducted from an award 13342
pursuant to division (B)(1) of this section. 13343

(2) Nothing in division (B)(1) of this section shall be 13344
construed to do either of the following: 13345

(a) Limit the rights of a beneficiary under a life insurance 13346
policy or the rights of sureties under fidelity or surety bonds; 13347

(b) Prohibit the department of job and family services from 13348
recovering from the political subdivision, pursuant to section 13349
5101.58 of the Revised Code, the cost of medical assistance 13350
benefits provided under Chapter 5107., 5111., 5114., or 5115. of 13351
the Revised Code. 13352

(C)(1) There shall not be any limitation on compensatory 13353
damages that represent the actual loss of the person who is 13354
awarded the damages. However, except in wrongful death actions 13355
brought pursuant to Chapter 2125. of the Revised Code, damages 13356
that arise from the same cause of action, transaction or 13357
occurrence, or series of transactions or occurrences and that do 13358
not represent the actual loss of the person who is awarded the 13359
damages shall not exceed two hundred fifty thousand dollars in 13360

favor of any one person. The limitation on damages that do not 13361
represent the actual loss of the person who is awarded the damages 13362
provided in this division does not apply to court costs that are 13363
awarded to a plaintiff, or to interest on a judgment rendered in 13364
favor of a plaintiff, in an action against a political 13365
subdivision. 13366

(2) As used in this division, "the actual loss of the person 13367
who is awarded the damages" includes all of the following: 13368

(a) All wages, salaries, or other compensation lost by the 13369
person injured as a result of the injury, including wages, 13370
salaries, or other compensation lost as of the date of a judgment 13371
and future expected lost earnings of the person injured; 13372

(b) All expenditures of the person injured or another person 13373
on behalf of the person injured for medical care or treatment, for 13374
rehabilitation services, or for other care, treatment, services, 13375
products, or accommodations that were necessary because of the 13376
injury; 13377

(c) All expenditures to be incurred in the future, as 13378
determined by the court, by the person injured or another person 13379
on behalf of the person injured for medical care or treatment, for 13380
rehabilitation services, or for other care, treatment, services, 13381
products, or accommodations that will be necessary because of the 13382
injury; 13383

(d) All expenditures of a person whose property was injured 13384
or destroyed or of another person on behalf of the person whose 13385
property was injured or destroyed in order to repair or replace 13386
the property that was injured or destroyed; 13387

(e) All expenditures of the person injured or of the person 13388
whose property was injured or destroyed or of another person on 13389
behalf of the person injured or of the person whose property was 13390
injured or destroyed in relation to the actual preparation or 13391

presentation of the claim involved; 13392

(f) Any other expenditures of the person injured or of the 13393
person whose property was injured or destroyed or of another 13394
person on behalf of the person injured or of the person whose 13395
property was injured or destroyed that the court determines 13396
represent an actual loss experienced because of the personal or 13397
property injury or property loss. 13398

"The actual loss of the person who is awarded the damages" 13399
does not include any fees paid or owed to an attorney for any 13400
services rendered in relation to a personal or property injury or 13401
property loss, and does not include any damages awarded for pain 13402
and suffering, for the loss of society, consortium, companionship, 13403
care, assistance, attention, protection, advice, guidance, 13404
counsel, instruction, training, or education of the person 13405
injured, for mental anguish, or for any other intangible loss. 13406

Sec. 2913.40. (A) As used in this section: 13407

(1) "Statement or representation" means any oral, written, 13408
electronic, electronic impulse, or magnetic communication that is 13409
used to identify an item of goods or a service for which 13410
reimbursement may be made under the medical assistance program or 13411
that states income and expense and is or may be used to determine 13412
a rate of reimbursement under the medical assistance program. 13413

(2) "Medical assistance program" means the program 13414
established by the department of job and family services to 13415
provide medical assistance under section 5111.01 of the Revised 13416
Code and the medicaid program of Title XIX of the "Social Security 13417
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 13418

(3) "Provider" means any person who has signed a provider 13419
agreement with the department of job and family services to 13420
provide goods or services pursuant to the medical assistance 13421

program or any person who has signed an agreement with a party to 13422
such a provider agreement under which the person agrees to provide 13423
goods or services that are reimbursable under the medical 13424
assistance program. 13425

(4) "Provider agreement" means an oral or written agreement 13426
between the department of job and family services and a person in 13427
which the person agrees to provide goods or services under the 13428
medical assistance program. 13429

(5) "Recipient" means any individual who receives goods or 13430
services from a provider under the medical assistance program. 13431

(6) "Records" means any medical, professional, financial, or 13432
business records relating to the treatment or care of any 13433
recipient, to goods or services provided to any recipient, or to 13434
rates paid for goods or services provided to any recipient and any 13435
records that are required by the rules of the director of job and 13436
family services to be kept for the medical assistance program. 13437

(B) No person shall knowingly make or cause to be made a 13438
false or misleading statement or representation for use in 13439
obtaining reimbursement from the medical assistance program. 13440

(C) No person, with purpose to commit fraud or knowing that 13441
the person is facilitating a fraud, shall do either of the 13442
following: 13443

(1) Contrary to the terms of the person's provider agreement, 13444
charge, solicit, accept, or receive for goods or services that the 13445
person provides under the medical assistance program any property, 13446
money, or other consideration in addition to the amount of 13447
reimbursement under the medical assistance program and the 13448
person's provider agreement for the goods or services and any 13449
~~deductibles or co-payments~~ cost-sharing expenses authorized by 13450
section 5111.0112 of the Revised Code or rules adopted pursuant to 13451
section 5111.01, 5111.011, or 5111.02 of the Revised Code. 13452

(2) Solicit, offer, or receive any remuneration, other than any ~~deductibles or co-payments~~ cost-sharing expenses authorized by section 5111.0112 of the Revised Code or rules adopted under section 5111.01, 5111.011, or 5111.02 of the Revised Code, in cash or in kind, including, but not limited to, a kickback or rebate, in connection with the furnishing of goods or services for which whole or partial reimbursement is or may be made under the medical assistance program.

(D) No person, having submitted a claim for or provided goods or services under the medical assistance program, shall do either of the following for a period of at least six years after a reimbursement pursuant to that claim, or a reimbursement for those goods or services, is received under the medical assistance program:

(1) Knowingly alter, falsify, destroy, conceal, or remove any records that are necessary to fully disclose the nature of all goods or services for which the claim was submitted, or for which reimbursement was received, by the person;

(2) Knowingly alter, falsify, destroy, conceal, or remove any records that are necessary to disclose fully all income and expenditures upon which rates of reimbursements were based for the person.

(E) Whoever violates this section is guilty of medicaid fraud. Except as otherwise provided in this division, medicaid fraud is a misdemeanor of the first degree. If the value of property, services, or funds obtained in violation of this section is five hundred dollars or more and is less than five thousand dollars, medicaid fraud is a felony of the fifth degree. If the value of property, services, or funds obtained in violation of this section is five thousand dollars or more and is less than one hundred thousand dollars, medicaid fraud is a felony of the fourth degree. If the value of the property, services, or funds obtained

in violation of this section is one hundred thousand dollars or 13485
more, medicaid fraud is a felony of the third degree. 13486

(F) Upon application of the governmental agency, office, or 13487
other entity that conducted the investigation and prosecution in a 13488
case under this section, the court shall order any person who is 13489
convicted of a violation of this section for receiving any 13490
reimbursement for furnishing goods or services under the medical 13491
assistance program to which the person is not entitled to pay to 13492
the applicant its cost of investigating and prosecuting the case. 13493
The costs of investigation and prosecution that a defendant is 13494
ordered to pay pursuant to this division shall be in addition to 13495
any other penalties for the receipt of that reimbursement that are 13496
provided in this section, section 5111.03 of the Revised Code, or 13497
any other provision of law. 13498

(G) The provisions of this section are not intended to be 13499
exclusive remedies and do not preclude the use of any other 13500
criminal or civil remedy for any act that is in violation of this 13501
section. 13502

Sec. 2921.42. (A) No public official shall knowingly do any 13503
of the following: 13504

(1) Authorize, or employ the authority or influence of ~~his~~ 13505
the public official's office to secure authorization of any public 13506
contract in which ~~he~~ the public official, a member of ~~his~~ the 13507
public official's family, or any of ~~his~~ the public official's 13508
business associates has an interest; 13509

(2) Authorize, or employ the authority or influence of ~~his~~ 13510
the public official's office to secure the investment of public 13511
funds in any share, bond, mortgage, or other security, with 13512
respect to which ~~he~~ the public official, a member of ~~his~~ the 13513
public official's family, or any of ~~his~~ the public official's 13514
business associates either has an interest, is an underwriter, or 13515

receives any brokerage, origination, or servicing fees; 13516

(3) During ~~his~~ the public official's term of office or within 13517
one year thereafter, occupy any position of profit in the 13518
prosecution of a public contract authorized by ~~him~~ the public 13519
official or by a legislative body, commission, or board of which 13520
~~he~~ the public official was a member at the time of authorization, 13521
unless the contract was let by competitive bidding to the lowest 13522
and best bidder; 13523

(4) Have an interest in the profits or benefits of a public 13524
contract entered into by or for the use of the political 13525
subdivision or governmental agency or instrumentality with which 13526
~~he~~ the public official is connected; 13527

(5) Have an interest in the profits or benefits of a public 13528
contract that is not let by competitive bidding if required by law 13529
and that involves more than one hundred fifty dollars. 13530

(B) In the absence of bribery or a purpose to defraud, a 13531
public official, member of ~~his~~ a public official's family, or any 13532
of ~~his~~ a public official's business associates shall not be 13533
considered as having an interest in a public contract or the 13534
investment of public funds, if all of the following apply: 13535

(1) The interest of that person is limited to owning or 13536
controlling shares of the corporation, or being a creditor of the 13537
corporation or other organization, that is the contractor on the 13538
public contract involved, or that is the issuer of the security in 13539
which public funds are invested; 13540

(2) The shares owned or controlled by that person do not 13541
exceed five per cent of the outstanding shares of the corporation, 13542
and the amount due that person as creditor does not exceed five 13543
per cent of the total indebtedness of the corporation or other 13544
organization; 13545

(3) That person, prior to the time the public contract is 13546

entered into, files with the political subdivision or governmental 13547
agency or instrumentality involved, an affidavit giving ~~his~~ that 13548
person's exact status in connection with the corporation or other 13549
organization. 13550

(C) This section does not apply to a public contract in which 13551
a public official, member of ~~his~~ a public official's family, or 13552
one of ~~his~~ a public official's business associates has an 13553
interest, when all of the following apply: 13554

(1) The subject of the public contract is necessary supplies 13555
or services for the political subdivision or governmental agency 13556
or instrumentality involved; 13557

(2) The supplies or services are unobtainable elsewhere for 13558
the same or lower cost, or are being furnished to the political 13559
subdivision or governmental agency or instrumentality as part of a 13560
continuing course of dealing established prior to the public 13561
official's becoming associated with the political subdivision or 13562
governmental agency or instrumentality involved; 13563

(3) The treatment accorded the political subdivision or 13564
governmental agency or instrumentality is either preferential to 13565
or the same as that accorded other customers or clients in similar 13566
transactions; 13567

(4) The entire transaction is conducted at arm's length, with 13568
full knowledge by the political subdivision or governmental agency 13569
or instrumentality involved, of the interest of the public 13570
official, member of ~~his~~ the public official's family, or business 13571
associate, and the public official takes no part in the 13572
deliberations or decision of the political subdivision or 13573
governmental agency or instrumentality with respect to the public 13574
contract. 13575

(D) Division (A)(4) of this section does not prohibit 13576
participation by a public employee in any housing program funded 13577

by public moneys if the public employee otherwise qualifies for 13578
the program and does not use the authority or influence of ~~his~~ the 13579
public employee's office or employment to secure benefits from the 13580
program and if the moneys are to be used on the primary residence 13581
of the public employee. Such participation does not constitute an 13582
unlawful interest in a public contract in violation of this 13583
section. 13584

(E) Whoever violates this section is guilty of having an 13585
unlawful interest in a public contract. Violation of division 13586
(A)(1) or (2) of this section is a felony of the fourth degree. 13587
Violation of division (A)(3), (4), or (5) of this section is a 13588
misdemeanor of the first degree. 13589

(F) It is not a violation of this section for a prosecuting 13590
attorney to appoint assistants and employees in accordance with 13591
sections 309.06 and 2921.421 of the Revised Code, for a chief 13592
legal officer of a municipal corporation or an official designated 13593
as prosecutor in a municipal corporation to appoint assistants and 13594
employees in accordance with sections 733.621 and 2921.421 of the 13595
Revised Code, or for a township law director appointed under 13596
section 504.15 of the Revised Code to appoint assistants and 13597
employees in accordance with sections 504.151 and 2921.421 of the 13598
Revised Code. 13599

~~(F)~~(G) This section does not apply to a public contract in 13600
which a township trustee in a township with a population of five 13601
thousand or less in its unincorporated area, a member of the 13602
township trustee's family, or one of ~~his~~ the township trustee's 13603
business associates has an interest, if all of the following 13604
apply: 13605

(1) The subject of the public contract is necessary supplies 13606
or services for the township and the amount of the contract is 13607
less than five thousand dollars per year; 13608

(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the township trustee, member of ~~his~~ the township trustee's family, or ~~his~~ the township trustee's business associate.

~~(G)~~(H) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(I) As used in this section:

(1) "Public contract" means any of the following:

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;

(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code. 13639
13640

Sec. 2927.023. (A) As used in this section "authorized recipient of tobacco products" means a person who is: 13641
13642

(1) Licensed as a cigarette wholesale dealer under section 5743.15 of the Revised Code; 13643
13644

(2) Licensed as a ~~distributor of tobacco products under section 5743.61 of the Revised Code~~ retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed; 13645
13646
13647
13648

(3) An export warehouse proprietor as defined in section 5702 of the Internal Revenue Code; 13649
13650

(4) An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555; 13651
13652

(5) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity; 13653
13654

(6) A department, agency, instrumentality, or political subdivision of the federal government or of this state; 13655
13656

(7) A person having a consent for consumer shipment issued by the tax commissioner under section 5743.71 of the Revised Code. 13657
13658

The purpose of this section is to prevent the sale of cigarettes to minors and to ensure compliance with the Master Settlement Agreement, as defined in section 1346.01 of the Revised Code. 13659
13660
13661
13662

(B)(1) No person shall cause to be shipped any cigarettes to any person in this state other than an authorized recipient of tobacco products. 13663
13664
13665

(2) No common carrier, contract carrier, or other person shall knowingly transport cigarettes to any person in this state 13666
13667

that the carrier or other person reasonably believes is not an 13668
authorized recipient of tobacco products. If cigarettes are 13669
transported to a home or residence, it shall be presumed that the 13670
common carrier, contract carrier, or other person knew that the 13671
person to whom the cigarettes were delivered was not an authorized 13672
recipient of tobacco products. 13673

(C) No person engaged in the business of selling cigarettes 13674
who ships or causes to be shipped cigarettes to any person in this 13675
state in any container or wrapping other than the original 13676
container or wrapping of the cigarettes shall fail to plainly and 13677
visibly mark the exterior of the container or wrapping in which 13678
the cigarettes are shipped with the words "cigarettes." 13679

(D) A court shall impose a fine of up to one thousand dollars 13680
for each violation of division (B)(1), (B)(2), or (C) of this 13681
section. 13682

Sec. 2951.02. (A) During the period of a misdemeanor 13683
offender's community control sanction or during the period of a 13684
felony offender's nonresidential sanction, authorized probation 13685
officers who are engaged within the scope of their supervisory 13686
duties or responsibilities may search, with or without a warrant, 13687
the person of the offender, the place of residence of the 13688
offender, and a motor vehicle, another item of tangible or 13689
intangible personal property, or other real property in which the 13690
offender has a right, title, or interest or for which the offender 13691
has the express or implied permission of a person with a right, 13692
title, or interest to use, occupy, or possess if the probation 13693
officers have reasonable grounds to believe that the offender is 13694
not abiding by the law or otherwise is not complying with the 13695
conditions of the misdemeanor offender's community control 13696
sanction or the conditions of the felony offender's nonresidential 13697
sanction. If a felony offender who is sentenced to a 13698

nonresidential sanction is under the general control and 13699
supervision of the adult parole authority, as described in 13700
division (A)(2)(a) of section 2929.15 of the Revised Code, adult 13701
parole authority field officers with supervisory responsibilities 13702
over the felony offender shall have the same search authority 13703
relative to the felony offender during the period of the sanction 13704
that is described under this division for probation officers. The 13705
court that places the misdemeanor offender under a community 13706
control sanction pursuant to section 2929.25 of the Revised Code 13707
or that sentences the felony offender to a nonresidential sanction 13708
pursuant to section 2929.17 of the Revised Code shall provide the 13709
offender with a written notice that informs the offender that 13710
authorized probation officers or adult parole authority field 13711
officers with supervisory responsibilities over the offender who 13712
are engaged within the scope of their supervisory duties or 13713
responsibilities may conduct those types of searches during the 13714
period of community control sanction or the nonresidential 13715
sanction if they have reasonable grounds to believe that the 13716
offender is not abiding by the law or otherwise is not complying 13717
with the conditions of the offender's community control sanction 13718
or nonresidential sanction. 13719

(B) If an offender is convicted of or pleads guilty to a 13720
misdemeanor, the court may require the offender, as a condition of 13721
the offender's sentence of a community control sanction, to 13722
perform supervised community service work in accordance with this 13723
division. If an offender is convicted of or pleads guilty to a 13724
felony, the court, pursuant to sections 2929.15 and 2929.17 of the 13725
Revised Code, may impose a sanction that requires the offender to 13726
perform supervised community service work in accordance with this 13727
division. The supervised community service work shall be under the 13728
authority of health districts, park districts, counties, municipal 13729
corporations, townships, other political subdivisions of the 13730
state, or agencies of the state or any of its political 13731

subdivisions, or under the authority of charitable organizations 13732
that render services to the community or its citizens, in 13733
accordance with this division. The court may require an offender 13734
who is ordered to perform the work to pay to it a reasonable fee 13735
to cover the costs of the offender's participation in the work, 13736
including, but not limited to, the costs of procuring a policy or 13737
policies of liability insurance to cover the period during which 13738
the offender will perform the work. 13739

A court may permit any offender convicted of a felony or a 13740
misdemeanor to satisfy the payment of a fine imposed for the 13741
offense pursuant to section 2929.18 or 2929.28 of the Revised Code 13742
by performing supervised community service work as described in 13743
this division if the offender requests an opportunity to satisfy 13744
the payment by this means and if the court determines that the 13745
offender is financially unable to pay the fine. 13746

The supervised community service work that may be imposed 13747
under this division shall be subject to the following limitations: 13748

(1) The court shall fix the period of the work and, if 13749
necessary, shall distribute it over weekends or over other 13750
appropriate times that will allow the offender to continue at the 13751
offender's occupation or to care for the offender's family. The 13752
period of the work as fixed by the court shall not exceed in the 13753
aggregate the number of hours of community service imposed by the 13754
court pursuant to section 2929.17 or 2929.27 of the Revised Code. 13755

(2) An agency, political subdivision, or charitable 13756
organization must agree to accept the offender for the work before 13757
the court requires the offender to perform the work for the 13758
entity. A court shall not require an offender to perform 13759
supervised community service work for an agency, political 13760
subdivision, or charitable organization at a location that is an 13761
unreasonable distance from the offender's residence or domicile, 13762
unless the offender is provided with transportation to the 13763

location where the work is to be performed. 13764

(3) A court may enter into an agreement with a county 13765
department of job and family services for the management, 13766
placement, and supervision of offenders eligible for community 13767
service work in work participation activities, ~~developmental~~ 13768
~~activities, and alternative work activities under sections 5107.40~~ 13769
~~to 5107.69~~ established by rules authorized by section 5107.40 of 13770
the Revised Code. If a court and a county department of job and 13771
family services have entered into an agreement of that nature, the 13772
clerk of that court is authorized to pay directly to the county 13773
department all or a portion of the fees collected by the court 13774
pursuant to this division in accordance with the terms of its 13775
agreement. 13776

(4) Community service work that a court requires under this 13777
division shall be supervised by an official of the agency, 13778
political subdivision, or charitable organization for which the 13779
work is performed or by a person designated by the agency, 13780
political subdivision, or charitable organization. The official or 13781
designated person shall be qualified for the supervision by 13782
education, training, or experience, and periodically shall report, 13783
in writing, to the court and to the offender's probation officer 13784
concerning the conduct of the offender in performing the work. 13785

(5) The total of any period of supervised community service 13786
work imposed on an offender under division (B) of this section 13787
plus the period of all other sanctions imposed pursuant to 13788
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 13789
Code for a felony, or pursuant to sections 2929.25, 2929.26, 13790
2929.27, and 2929.28 of the Revised Code for a misdemeanor, shall 13791
not exceed five years. 13792

(C)(1) If an offender is convicted of a violation of section 13793
4511.19 of the Revised Code, a municipal ordinance relating to 13794
operating a vehicle while under the influence of alcohol, a drug 13795

of abuse, or a combination of them, or a municipal ordinance 13796
relating to operating a vehicle with a prohibited concentration of 13797
alcohol, a controlled substance, or a metabolite of a controlled 13798
substance in the whole blood, blood serum or plasma, breath, or 13799
urine, the court may require, as a condition of a community 13800
control sanction, any suspension of a driver's or commercial 13801
driver's license or permit or nonresident operating privilege, and 13802
all other penalties provided by law or by ordinance, that the 13803
offender operate only a motor vehicle equipped with an ignition 13804
interlock device that is certified pursuant to section 4510.43 of 13805
the Revised Code. 13806

(2) If a court requires an offender, as a condition of a 13807
community control sanction pursuant to division (C)(1) of this 13808
section, to operate only a motor vehicle equipped with an ignition 13809
interlock device that is certified pursuant to section 4510.43 of 13810
the Revised Code, the offender immediately shall surrender the 13811
offender's driver's or commercial driver's license or permit to 13812
the court. Upon the receipt of the offender's license or permit, 13813
the court shall issue an order authorizing the offender to operate 13814
a motor vehicle equipped with a certified ignition interlock 13815
device, deliver the offender's license or permit to the bureau of 13816
motor vehicles, and include in the abstract of the case forwarded 13817
to the bureau pursuant to section 4510.036 of the Revised Code the 13818
conditions of the community control sanction imposed pursuant to 13819
division (C)(1) of this section. The court shall give the offender 13820
a copy of its order, and that copy shall be used by the offender 13821
in lieu of a driver's or commercial driver's license or permit 13822
until the bureau issues a restricted license to the offender. 13823

(3) Upon receipt of an offender's driver's or commercial 13824
driver's license or permit pursuant to division (C)(2) of this 13825
section, the bureau of motor vehicles shall issue a restricted 13826
license to the offender. The restricted license shall be identical 13827

to the surrendered license, except that it shall have printed on 13828
its face a statement that the offender is prohibited from 13829
operating a motor vehicle that is not equipped with an ignition 13830
interlock device that is certified pursuant to section 4510.43 of 13831
the Revised Code. The bureau shall deliver the offender's 13832
surrendered license or permit to the court upon receipt of a court 13833
order requiring it to do so, or reissue the offender's license or 13834
permit under section 4510.52 of the Revised Code if the registrar 13835
destroyed the offender's license or permit under that section. The 13836
offender shall surrender the restricted license to the court upon 13837
receipt of the offender's surrendered license or permit. 13838

(4) If an offender violates a requirement of the court 13839
imposed under division (C)(1) of this section, the court may 13840
impose a class seven suspension of the offender's driver's or 13841
commercial driver's license or permit or nonresident operating 13842
privilege from the range specified in division (A)(7) of section 13843
4510.02 of the Revised Code. On a second or subsequent violation, 13844
the court may impose a class four suspension of the offender's 13845
driver's or commercial driver's license or permit or nonresident 13846
operating privilege from the range specified in division (A)(4) of 13847
section 4510.02 of the Revised Code. 13848

Sec. 3111.04. (A) An action to determine the existence or 13849
nonexistence of the father and child relationship may be brought 13850
by the child or the child's personal representative, the child's 13851
mother or her personal representative, a man alleged or alleging 13852
himself to be the child's father, the child support enforcement 13853
agency of the county in which the child resides if the child's 13854
mother, father, or alleged father is a recipient of public 13855
assistance or of services under Title IV-D of the "Social Security 13856
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 13857
alleged father's personal representative. 13858

(B) An agreement does not bar an action under this section. 13859

(C) If an action under this section is brought before the 13860
birth of the child and if the action is contested, all 13861
proceedings, except service of process and the taking of 13862
depositions to perpetuate testimony, may be stayed until after the 13863
birth. 13864

(D) A recipient of public assistance or of services under 13865
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 13866
U.S.C.A. 651, as amended, shall cooperate with the child support 13867
enforcement agency of the county in which a child resides to 13868
obtain an administrative determination pursuant to sections 13869
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 13870
determination pursuant to sections 3111.01 to 3111.18 of the 13871
Revised Code, of the existence or nonexistence of a parent and 13872
child relationship between the father and the child. If the 13873
recipient fails to cooperate, the agency may commence an action to 13874
determine the existence or nonexistence of a parent and child 13875
relationship between the father and the child pursuant to sections 13876
3111.01 to 3111.18 of the Revised Code. 13877

(E) As used in this section, "public assistance" means 13878
medical assistance under Chapter 5111. of the Revised Code, 13879
nonfederal medical assistance under Chapter 5114. of the Revised 13880
Code, assistance under Chapter 5107. of the Revised Code, 13881
disability financial assistance under Chapter 5115. of the Revised 13882
Code, or disability medical assistance under Chapter 5115. of the 13883
Revised Code. 13884

Sec. 3113.06. No father, or mother when she is charged with 13885
the maintenance, of a child under eighteen years of age, or a 13886
mentally or physically handicapped child under age twenty-one, who 13887
is legally a ward of a public children services agency or is the 13888
recipient of aid pursuant to Chapter 5107., 5114., or 5115. of the 13889

Revised Code, shall neglect or refuse to pay such agency the 13890
reasonable cost of maintaining such child when such father or 13891
mother is able to do so by reason of property, labor, or earnings. 13892

An offense under this section shall be held committed in the 13893
county in which the agency is located. The agency shall file 13894
charges against any parent who violates this section, unless the 13895
agency files charges under section 2919.21 of the Revised Code, or 13896
unless charges of nonsupport are filed by a relative or guardian 13897
of the child, or unless an action to enforce support is brought 13898
under Chapter 3115. of the Revised Code. 13899

Sec. 3113.07. As used in this section, "executive director" 13900
has the same meaning as in section 5153.01 of the Revised Code. 13901

Sentence may be suspended, if a person, after conviction 13902
under section 3113.06 of the Revised Code and before sentence 13903
thereunder, appears before the court of common pleas in which such 13904
conviction took place and enters into bond to the state in a sum 13905
fixed by the court at not less than five hundred dollars, with 13906
sureties approved by such court, conditioned that such person will 13907
pay, so long as the child remains a ward of the public children 13908
services agency or a recipient of aid pursuant to Chapter 5107., 13909
5114., or 5115. of the Revised Code, to the executive director 13910
thereof or to a trustee to be named by the court, for the benefit 13911
of such agency or if the child is a recipient of aid pursuant to 13912
Chapter 5107., 5114., or 5115. of the Revised Code, to the county 13913
department of job and family services, the reasonable cost of 13914
keeping such child. The amount of such costs and the time of 13915
payment shall be fixed by the court. 13916

The court, in accordance with sections 3119.29 to 3119.56 of 13917
the Revised Code, shall include in each support order made under 13918
this section the requirement that one or both of the parents 13919
provide for the health care needs of the child to the satisfaction 13920

of the court.	13921
Sec. 3119.022. When a court or child support enforcement	13922
agency calculates the amount of child support to be paid pursuant	13923
to a child support order in a proceeding in which one parent is	13924
the residential parent and legal custodian of all of the children	13925
who are the subject of the child support order or in which the	13926
court issues a shared parenting order, the court or agency shall	13927
use a worksheet identical in content and form to the following:	13928
CHILD SUPPORT COMPUTATION WORKSHEET	13929
SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER	13930
Name of parties	13931
Case No.	13932
Number of minor children	13933
The following parent was designated as residential parent and	13934
legal custodian: mother father shared	13935
Column I Column II Column III	13936
Father Mother Combined	13937
INCOME:	13938
1.a. Annual gross income from	13939
employment or, when	13940
determined appropriate	13941
by the court or agency,	13942
average annual gross income	13943
from employment over a	13944
reasonable period of years.	13945
(Exclude overtime, bonuses,	13946
self-employment income, or	13947
commissions)..... \$..... \$.....	13948
b. Amount of overtime,	13949
bonuses, and commissions	13950

(year 1 representing the		13951
most recent year)		13952
Father	Mother	13953
Yr. 3 \$.....	Yr. 3 \$.....	13954
(Three years ago)	(Three years ago)	13955
Yr. 2 \$.....	Yr. 2 \$.....	13956
(Two years ago)	(Two years ago)	13957
Yr. 1 \$.....	Yr. 1 \$.....	13958
(Last calendar year)	(Last calendar year)	13959
Average \$.....	Average \$.....	13960
(Include in Col. I and/or		13961
Col. II the average of the		13962
three years or the year 1		13963
amount, whichever is less,		13964
if there exists a reasonable		13965
expectation that the total		13966
earnings from overtime and/or		13967
bonuses during the current		13968
calendar year will meet or		13969
exceed the amount that is		13970
the lower of the average		13971
of the three years or the		13972
year 1 amount. If, however,		13973
there exists a reasonable		13974
expectation that the total		13975
earnings from overtime/		13976
bonuses during the current		13977
calendar year will be less		13978
than the lower of the average		13979
of the 3 years or the year 1		13980
amount, include only the		13981
amount reasonably expected		13982
to be earned this year.)... \$..... \$.....		13983

			13984
2.	For self-employment income:		13985
a.	Gross receipts from		13986
	business.....	\$..... \$.....	13987
b.	Ordinary and necessary		13988
	business expenses.....	\$..... \$.....	13989
c.	5.6% of adjusted gross		13990
	income or the actual		13991
	marginal difference between		13992
	the actual rate paid by the		13993
	self-employed individual		13994
	and the F.I.C.A. rate	\$..... \$.....	13995
d.	Adjusted gross income from		13996
	self-employment (subtract		13997
	the sum of 2b and 2c from		13998
	2a).....	\$..... \$.....	13999
			14000
3.	Annual income from interest		14001
	and dividends (whether or		14002
	not taxable).....	\$..... \$.....	14003
			14004
4.	Annual income from		14005
	unemployment compensation...	\$..... \$.....	14006
			14007
5.	Annual income from workers'		14008
	compensation, disability		14009
	insurance benefits, or social		14010
	security disability/		14011
	retirement benefits.....	\$..... \$.....	14012
			14013
6.	Other annual income		14014
	(identify).....	\$..... \$.....	14015
			14016

7.a. Total annual gross income			14017
(add lines 1a, 1b, 2d, and			14018
3-6).....	\$.....	\$.....	14019
b. <u>Health care maximum (multiply</u>			14020
<u>line 7a by 5%)</u>	<u>\$.....</u>	<u>\$.....</u>	14021
			14022
ADJUSTMENTS TO INCOME:			14023
8. Adjustment for minor children			14024
born to or adopted by either			14025
parent and another parent who			14026
are living with this parent;			14027
adjustment does not apply			14028
to stepchildren (number of			14029
children times federal income			14030
tax exemption less child			14031
support received, not to			14032
exceed the federal tax			14033
exemption).....	\$.....	\$.....	14034
			14035
9. Annual court-ordered support			14036
paid for other children....	\$.....	\$.....	14037
			14038
10. Annual court-ordered spousal			14039
support paid to any spouse			14040
or former spouse.....	\$.....	\$.....	14041
			14042
11. Amount of local income taxes			14043
actually paid or estimated			14044
to be paid.....	\$.....	\$.....	14045
			14046
12. Mandatory work-related			14047
deductions such as union			14048
dues, uniform fees, etc.			14049

	(not including taxes, social			14050
	security, or retirement)...	\$.....	\$.....	14051
				14052
13.	Total gross income			14053
	adjustments (add lines			14054
	8 through 12).....	\$.....	\$.....	14055
				14056
14.	Adjusted annual gross			14057
	income (subtract line 13			14058
	from line 7a).....	\$.....	\$.....	14059
				14060
15.	Combined annual income that			14061
	is basis for child support			14062
	order (add line 14, Col. I			14063
	and Col. II).....		\$.....	14064
				14065
16.	Percentage of parent's			14066
	income to total income			14067
a.	Father (divide line 14,			14068
	Col. I, by line 15, Col.			14069
	III).....%			14070
b.	Mother (divide line 14,			14071
	Col. II, by line 15, Col.			14072
	III).....%			14073
				14074
17.	Basic combined child			14075
	support obligation (refer			14076
	to schedule, first column,			14077
	locate the amount nearest			14078
	to the amount on line 15,			14079
	Col. III, then refer to			14080
	column for number of			14081
	children in this family.			14082

If the income of the	14083
parents is more than one	14084
sum but less than another,	14085
you may calculate the	14086
difference.).....	\$..... 14087
	14088
18. Annual support obligation per parent	14089
a. Father (multiply line 17,	14090
Col. III, by line 16a).....	\$..... 14091
b. Mother (multiply line 17,	14092
Col. III, by line 16b).....	\$..... 14093
	14094
19. Annual child care expenses	14095
for children who are the	14096
subject of this order that	14097
are work-, employment	14098
training-, or education-	14099
related, as approved by	14100
the court or agency	14101
(deduct tax credit from	14102
annual cost, whether or	14103
not claimed).....	\$..... \$..... 14104
	14105
20. Marginal, out-of-pocket	14106
costs, necessary to provide	14107
for health insurance for	14108
the children who are the	14109
subject of this order	14110
<u>Actual out-of-pocket</u>	14111
<u>health insurance cost</u>	14112
<u>to parent for the children</u>	14113
<u>who are the subject of</u>	14114
<u>this order, if the parent</u>	14115

<u>is ordered to provide</u>		14116
<u>health insurance</u>	\$..... \$.....	14117
		14118
21. ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		
Father (only if obligor	Mother (only if obligor	14120
or shared parenting)	or shared parenting)	14121
a. Additions: line 16a	b. Additions: line 16b	14122
times sum of amounts	times sum of amounts	14123
shown on line 19, Col. II	shown on line 19, Col. I	14124
and line 20, Col. II	and line 20, Col. I	14125
\$.....	\$.....	14126
c. Subtractions: line 16b	d. Subtractions: line 16a	14127
times sum of amounts	times sum of amounts	14128
shown on line 19, Col. I	shown on line 19, Col. II	14129
and line 20, Col. I	and line 20, Col. II	14130
\$.....	\$.....	14131
		14132
22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH</u>		14133
<u>INSURANCE IS PROVIDED:</u>		
a. Father: line 18a plus or		14134
minus the difference between		14135
line 21a minus line 21c		14136
.....	\$.....	14137
b. Mother: line 18b plus or		14138
minus the difference between		14139
line 21b minus line 21d		14140
.....	\$.....	14141
		14142
23. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		14143
a. (Line 22a or 22b, whichever		14144
line corresponds to the		14145
parent who is the obligor).	\$.....	14146
b. Any non-means-tested		14147

benefits, including social	14148	
security and veterans'	14149	
benefits, paid to and	14150	
received by a child or a	14151	
person on behalf of the	14152	
child due to death,	14153	
disability, or retirement	14154	
of the parent..... \$.....	14155	
c. Actual annual obligation	14156	
(subtract line 23b from	14157	
line 23a)..... \$.....	14158	
	14159	
24. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT	14160	
PROVIDED:		
<u>Father (only if obligor</u>	<u>Mother (only if obligor</u>	14161
<u>or shared parenting)</u>	<u>or shared parenting)</u>	14162
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	14163
<u>amount shown on line 19,</u>	<u>amount shown on line 19,</u>	14164
<u>Col. II</u>	<u>Col. I</u>	14165
<u>\$.....</u>	<u>\$.....</u>	14166
c. <u>Subtractions: line 16b</u>	d. <u>Subtractions: line 16a</u>	14167
<u>times amount shown on</u>	<u>times amount shown on</u>	14168
<u>line 19, Col. I</u>	<u>line 19, Col. II</u>	14169
<u>\$.....</u>	<u>\$.....</u>	14170
		14171
25. <u>OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT</u>	14172	
<u>WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>	14173	
a. <u>Father: line 18a plus or</u>	14174	
<u>minus the difference between</u>		
<u>line 24a minus line 24c</u>		
<u>..... \$.....</u>	14175	
b. <u>Mother: line 18b plus or</u>	14176	
<u>minus the difference between</u>		

<u>line 24b and 24d</u>		
.....	\$.....	14177
		14178
26. <u>ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		14179
a. <u>(Line 25a or 25b, whichever</u>		14180
<u>line corresponds to the</u>		
<u>parent who is the</u>		
<u>obligor)</u>	\$.....	14181
b. <u>Any non-means-tested</u>		14182
<u>benefits, including social</u>		
<u>security and veterans'</u>		
<u>benefits, paid to and</u>		
<u>received by a child or a</u>		
<u>person on behalf of the child</u>		
<u>due to death, disability, or</u>		
<u>retirement of the</u>		
<u>parent</u>	\$.....	14183
c. <u>Actual annual obligation</u>		14184
<u>(subtract line 26b from line</u>		
<u>26a</u>	\$.....	14185
		14186
<u>27.a. Deviation from sole residential parent support amount shown</u>		14187
<u>on line 23c if amount would be unjust or inappropriate: (see</u>		14188
<u>section 3119.23 of the Revised Code.) (Specific facts and</u>		14189
<u>monetary value must be stated.)</u>		14190
.....		14191
.....		14192
.....		14193
.....		14194
b. <u>Deviation from shared parenting order: (see sections 3119.23</u>		14195
<u>and 3119.24 of the Revised Code.) (Specific facts including</u>		14196
<u>amount of time children spend with each parent, ability of</u>		14197
<u>each parent to maintain adequate housing for children, and</u>		14198

each parent's expenses for children must be stated to justify deviation.)	14199
.....	14200
.....	14201
.....	14202
.....	14203
.....	14204
.....	14205
	<u>WHEN</u> <u>WHEN</u>
	<u>HEALTH</u> <u>HEALTH</u>
	<u>INSURANCE</u> <u>INSURANCE</u>
	<u>IS</u> <u>IS NOT</u>
	<u>PROVIDED</u> <u>PROVIDED</u>
<u>25</u> FINAL <u>CHILD SUPPORT</u> FIGURE:	14206
<u>28.</u> (This amount reflects final annual child support obligation; <u>in Col. I, enter line 23c plus or minus any amounts indicated in line 24a 27a or 24b 27b; in Col. II, enter line 26c plus or minus any amounts indicated in line 27a or 27b)</u>	
..... \$.....	\$..... Father/Mother, 14207
	OBLIGOR
	14208
<u>26</u> FOR DECREE: Child support per	14209
<u>29.</u> month (divide obligor's annual share, line 25 <u>28</u> , by 12) plus any processing charge	
..... \$.....	<u>\$.....</u>
	14210
	14211
<u>30.</u> <u>FINAL CASH MEDICAL SUPPORT</u>	14212
<u>FIGURE: (this amount reflects</u>	

the final, annual cash
medical support to be paid by
the obligor when neither
parent provides health
insurance coverage for the
child; enter obligor's child
support amount from
line 7b \$..... 14213
14214

31. FOR DECREE: Cash medical 14215
support per month (divide
line 30 by 12) \$..... 14216

Prepared by: 14217

Counsel: Pro se: 14218
(For mother/father) 14219

CSEA: Other: 14220

Worksheet Has Been Reviewed and Agreed To: 14221
..... 14222

Mother Date 14223
..... 14224

Father Date 14225

Sec. 3119.023. When a court or child support enforcement 14226
agency calculates the amount of child support to be paid pursuant 14227
to a court child support order in a proceeding in which the 14228
parents have split parental rights and responsibilities with 14229
respect to the children who are the subject of the child support 14230
order, the court or child support enforcement agency shall use a 14231
worksheet that is identical in content and form to the following: 14232

CHILD SUPPORT COMPUTATION WORKSHEET 14233

SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES 14234

Name of parties 14235

Case No. 14236

Number of minor children				14237
Number of minor children with mother			father	14238
	Column I	Column II	Column III	14239
	Father	Mother	Combined	14240
INCOME:				14241
1.a. Annual gross income from				14242
employment or, when				14243
determined appropriate				14244
by the court or agency,				14245
average annual gross income				14246
from employment over a				14247
reasonable period of years.				14248
(Exclude overtime, bonuses,				14249
self-employment income, or				14250
commissions).....	\$.....	\$.....		14251
b. Amount of overtime,				14252
bonuses, and commissions				14253
(year 1 representing the				14254
most recent year)				14255
Father		Mother		14256
Yr. 3 \$.....		Yr. 3 \$.....		14257
(Three years ago)		(Three years ago)		14258
Yr. 2 \$.....		Yr. 2 \$.....		14259
(Two years ago)		(Two years ago)		14260
Yr. 1 \$.....		Yr. 1 \$.....		14261
(Last calendar year)		(Last calendar year)		14262
Average \$.....		\$.....		14263
(Include in Col. I and/or				14264
Col. II the average of the				14265
three years or the year 1				14266
amount, whichever is less,				14267
if there exists a reasonable				14268

expectation that the total			14269
earnings from overtime and/or			14270
bonuses during the current			14271
calendar year will meet or			14272
exceed the amount that is			14273
the lower of the average			14274
of the three years or the			14275
year 1 amount. If, however,			14276
there exists a reasonable			14277
expectation that the total			14278
earnings from overtime/			14279
bonuses during the current			14280
calendar year will be less			14281
than the lower of the average			14282
of the 3 years or the year 1			14283
amount, include only the			14284
amount reasonably expected			14285
to be earned this year.)... \$..... \$.....			14286
			14287
2. For self-employment income			14288
a. Gross receipts from			14289
business..... \$..... \$.....			14290
b. Ordinary and necessary			14291
business expenses..... \$..... \$.....			14292
c. 5.6% of adjusted gross			14293
income or the actual			14294
marginal difference between			14295
the actual rate paid by the			14296
self-employed individual			14297
and the F.I.C.A. rate \$..... \$.....			14298
d. Adjusted gross income from			14299
self-employment (subtract			14300
the sum of 2b and 2c from			14301

2a).....	\$.....	\$.....	14302
			14303
3. Annual income from interest and dividends (whether or not taxable).....	\$.....	\$.....	14304
			14305
			14306
			14307
4. Annual income from unemployment compensation...	\$.....	\$.....	14308
			14309
			14310
5. Annual income from workers' compensation, disability insurance benefits or social security disability retirement benefits.....	\$.....	\$.....	14311
			14312
			14313
			14314
			14315
			14316
6. Other annual income (identify).....	\$.....	\$.....	14317
			14318
			14319
7. <u>a.</u> Total annual gross income (add lines 1a, 1b, 2d, and 3-6).....	\$.....	\$.....	14320
			14321
			14322
<u>b.</u> <u>Health care maximum</u> <u>(multiply line 7a</u> <u>by 5%)</u>	<u>\$.....</u>	<u>\$.....</u>	14323
			14324
			14325
			14326
ADJUSTMENTS TO INCOME:			14327
8. Adjustment for minor children born to or adopted by either parent and another parent who are living with this parent; adjustment does not apply to stepchildren (number of children times federal income			14328
			14329
			14330
			14331
			14332
			14333
			14334

tax exemption less child			14335
support received, not to			14336
exceed the federal tax			14337
exemption).....	\$.....	\$.....	14338
			14339
9. Annual court-ordered support			14340
paid for other children....	\$.....	\$.....	14341
			14342
10. Annual court-ordered spousal			14343
support paid to any spouse			14344
or former spouse.....	\$.....	\$.....	14345
			14346
11. Amount of local income taxes			14347
actually paid or estimated			14348
to be paid.....	\$.....	\$.....	14349
			14350
12. Mandatory work-related			14351
deductions such as union			14352
dues, uniform fees, etc.			14353
(not including taxes, social			14354
security, or retirement)...	\$.....	\$.....	14355
			14356
13. Total gross income			14357
adjustments (add lines			14358
8 through 12).....	\$.....	\$.....	14359
			14360
14. Adjusted annual gross			14361
income (subtract line 13			14362
from 7a).....	\$.....	\$.....	14363
			14364
15. Combined annual income that			14365
is basis for child support			14366
order (add line 14, Col. I			14367

and Col. II).....	\$.....	14368
		14369
16. Percentage of parent's		14370
income to total income		14371
a. Father (divide line 14,		14372
Col. I, by line 15, Col.		14373
III).....%		14374
b. Mother (divide line 14,		14375
Col. II, by line 15, Col.		14376
III).....%		14377
		14378
17. Basic combined child		14379
support obligation (refer		14380
to schedule, first column,		14381
locate the amount nearest		14382
to the amount on line 15,		14383
Col. III, then refer to		14384
column for number of		14385
children with this parent.		14386
If the income of the		14387
parents is more than one		14388
sum but less than another,		14389
you may calculate the		14390
difference).....		14391
		14392
For children	For children	14393
for whom the	for whom the	14394
mother is the	father is the	14395
residential	residential	14396
parent and	parent and	14397
legal custodian	legal custodian	14398
\$.....	\$.....	14399
		14400

18. Annual support obligation per parent			14401
a. Of father for children for			14402
whom mother is the			14403
residential parent and			14404
legal custodian (multiply			14405
line 17, Col. I, by line			14406
16a).....	\$.....		14407
b. Of mother for children for			14408
whom the father is the			14409
residential parent and			14410
legal custodian (multiply			14411
line 17, Col. II, by line			14412
16b).....	\$.....		14413
			14414
19. Annual child care expenses			14415
for children who are the			14416
subject of this order that			14417
are work-, employment			14418
training-, or education-			14419
related, as approved by			14420
the court or agency			14421
(deduct tax credit from			14422
annual cost whether or			14423
not claimed).....	Paid by	Paid by	14424
	father	mother	14425
	\$.....	\$.....	14426
			14427
20. Marginal, out-of-pocket			14428
costs, necessary to provide			14429
for health insurance for			14430
the children who are the			14431
subject of this order.....			14432
<u>Actual out-of-pocket health</u>			14433

insurance cost to parent for
children who are the subject
of this order, if the parent
is ordered to provide health
insurance

Paid by	Paid by	14434
father	mother	14435
\$.....	\$.....	14436

21. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED: 14438

Father	Mother	14439
--------	--------	-------

a. Additions: line 16a	b. Additions: line 16b	14440
times sum of amounts	times sum of amounts	14441
shown on line 19, Col. II	shown on line 19, Col. I	14442
and line 20, Col. II	and line 20, Col. I	14443
\$.....	\$.....	14444

c. Subtractions: line 16b	d. Subtractions: line 16a	14445
times sum of amounts	times sum of amounts	14446
shown on line 19, Col. I	shown on line 19, Col. II	14447
and line 20, Col. I	and line 20, Col. II	14448
\$.....	\$.....	14449

22. ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS PROVIDED: 14451

a. Father: line 18a plus line		14452
21a minus line 21c (if the		14453
amount on line 21c is		14454
greater than or equal to		14455
the amount on line 21a--		14456
enter the number on line		14457
18a in Col. I).....	\$.....	14458

b. Any non-means-tested		14459
benefits, including social		14460
security and veterans'		14461

benefits, paid to and		14462
received by children for		14463
whom the mother is the		14464
residential parent and		14465
legal custodian or a person		14466
on behalf of those children		14467
due to death, disability,		14468
or retirement of the		14469
father.....	\$.....	14470
c. Actual annual obligation of		14471
father (subtract line 22b		14472
from line 22a).....	\$.....	14473
d. Mother: line 18b plus line		14474
21b minus line 21d (if the		14475
amount on line 21d is		14476
greater than or equal to		14477
the amount on line		14478
21b--enter the number on		14479
line 18b in Col. II).....	\$.....	14480
e. Any non-means-tested		14481
benefits, including social		14482
security and veterans'		14483
benefits, paid to and		14484
received by children for		14485
whom the father is the		14486
residential parent and		14487
legal custodian or a person		14488
on behalf of those children		14489
due to death, disability,		14490
or retirement of the		14491
mother.....	\$.....	14492
f. Actual annual obligation		14493
of mother (subtract line 22e		14494

from line 22d).....	\$.....	14495
g. Actual annual obligation		14496
payable (subtract lesser		14497
actual annual obligation		14498
from greater actual annual		14499
obligation using amounts in		14500
lines 22c and 22f to		14501
determine net child support		14502
payable).....	\$..... \$.....	14503
		14504
23. <u>ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT</u>		14505
<u>PROVIDED:</u>		
<u>Father</u>	<u>Mother</u>	14506
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	14507
<u>amount shown on line 19,</u>	<u>amount shown on line 19,</u>	
<u>Col. II</u>	<u>Col. I</u>	
<u>\$.....</u>	<u>\$.....</u>	14508
c. <u>Subtractions: line 16b</u>	d. <u>Subtractions: line 16a times</u>	14509
<u>times amount shown on line</u>	<u>amount shown on line 19,</u>	
<u>19, Col. I</u>	<u>Col. II</u>	
<u>\$.....</u>	<u>\$.....</u>	14510
		14511
24. <u>ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		14512
a. <u>Father: line 18a plus line</u>		14513
<u>23a minus line 23c (if the</u>		
<u>amount on line 23c is greater</u>		
<u>than or equal to the amount</u>		
<u>on line 23a, enter the number</u>		
<u>on line 18a in</u>		
<u>Col. I)</u>	<u>\$.....</u>	14514
b. <u>Any non-means-tested</u>		14515
<u>benefits, including social</u>		
<u>security and veterans'</u>		

	<u>benefits, paid to and</u>		
	<u>received by a child for whom</u>		
	<u>the mother is the residential</u>		
	<u>parent and legal custodian,</u>		
	<u>or a person on behalf of the</u>		
	<u>child, due to death,</u>		
	<u>disability, or</u>		
	<u>retirement of the father</u>	<u>\$.....</u>	14516
c.	<u>Actual annual obligation of</u>		14517
	<u>the father (subtract line 24b</u>		
	<u>from line 24a)</u>	<u>\$.....</u>	14518
d.	<u>Mother: line 18b plus line</u>		14519
	<u>23b minus 23d (if the amount</u>		
	<u>on line 23d is greater than</u>		
	<u>or equal to the amount on</u>		
	<u>line 23b, enter the number on</u>		
	<u>line 18b in Col. II)</u>		
	<u>.....</u>	<u>\$.....</u>	14520
e.	<u>Any non-means-tested</u>		14521
	<u>benefits, including social</u>		
	<u>security and veterans'</u>		
	<u>benefits, paid to and</u>		
	<u>received by a child for whom</u>		
	<u>the father is the residential</u>		
	<u>parent and legal custodian,</u>		
	<u>or a person on behalf of the</u>		
	<u>child, due to death,</u>		
	<u>disability, or retirement of</u>		
	<u>the mother</u>		
	<u>.....</u>	<u>\$.....</u>	14522
f.	<u>Actual annual obligation of</u>		14523
	<u>the mother (subtract line 24e</u>		
	<u>from line 24d)</u>	<u>\$.....</u>	14524

g.	<u>Actual annual obligation payable (subtract lesser actual annual obligation from greater annual obligation of parents using amounts in lines 24c and 24f to determine net child support payable)</u>			14525
	.....	\$.....	\$.....	14526
h.	<u>Add line 7b, Col. I, to line 24g, Col. I, when father is the obligor or line 7b, Col. II, to line 24g, Col. II, when mother is obligor</u>			14527
	.....	\$.....	\$.....	14528
				14529
25.	<u>Deviation from split residential parent guideline amount shown on line 22c or 22f, 22f, 24c, or 24f if amount would be unjust or inappropriate: (see section 3119.23 of the Revised Code.) (Specific facts and monetary value must be stated.)</u>			14530
	.....			14531
	.....			14532
	.....			14533
	.....			14534
		<u>WHEN</u>	<u>WHEN</u>	14535
		<u>HEALTH</u>	<u>HEALTH</u>	
		<u>INSURANCE</u>	<u>INSURANCE</u>	
		<u>IS</u>	<u>IS NOT</u>	
		<u>PROVIDED</u>	<u>PROVIDED</u>	
24	<u>FINAL CHILD SUPPORT FIGURE:</u>			14536
26.	(This amount reflects final annual child support obligation; <u>in Col. I enter</u>			

line 22g plus or minus any amounts indicated in line 23 25, or in Col. II enter line 24h plus or minus any amounts indicated on line 25.)

..... \$..... \$..... Father/Mother, 14537
OBLIGOR

14538

25 FOR DECREE: Child support per
27. month (divide obligor's annual share, line 24 26, by 12) plus any processing charge

14539

..... \$..... \$.....

14540

14541

28. FINAL CASH MEDICAL SUPPORT
FIGURE: (this amount reflects the final, annual cash medical support to be paid by the obligor when neither parent provides health insurance coverage for the child; enter obligor's child support from line 7b)

14542

..... \$.....

14543

14544

29. FOR DECREE: Cash medical support per month (divide line 28 by 12)

14545

..... \$.....

14546

Prepared by: 14547

Counsel: Pro se: 14548

(For mother/father) 14549

CSEA:	Other:	14550
Worksheet Has Been Reviewed and Agreed To:		14551
.....	.....	14552
Mother	Date	14553
.....	.....	14554
Father	Date	14555

Sec. 3119.27. (A) A court that issues or modifies a court support order, or an administrative agency that issues or modifies an administrative child support order, shall impose on the obligor under the support order a processing charge that is the greater of two per cent of the support payment to be collected under a support order or one dollar per month. No court or agency may call the charge a poundage fee.

(B) In each child support case that is a Title IV-D case, the department of job and family services shall claim twenty-five dollars from the processing charge described in division (A) of this section for federal reporting purposes if the obligee has never received assistance under Title IV-A and the department has collected at least five hundred dollars of child support for the obligee. The director of job and family services shall adopt rules under Chapter 119. of the Revised Code to implement this division, and the department shall implement this division not later than March 31, 2008.

(C) As used in this section:

(1) "Annual" means the period as defined in regulations issued by the United States secretary of health and human services to implement the Deficit Reduction Act of 2005 (P.L. 109-171).

(2) "Title IV-A" has the same meaning as in section 5107.02 of the Revised Code.

(3) "Title IV-D case" has the same meaning as in section 3125.01 of the Revised Code.

Sec. 3119.29. (A) As used in this section and sections 14581
3119.30 to 3119.56 of the Revised Code: 14582

~~(A)~~(1) "Cash medical support" means an amount ordered to be 14583
paid in a child support order toward the cost of health insurance 14584
provided by a public entity, another parent, or person with whom 14585
the child resides, through employment or otherwise, or for other 14586
medical cost not covered by insurance. 14587

(2) "Federal poverty line" has the same meaning as defined in 14588
section 5104.01 of the Revised Code. 14589

(3) "Health care" means such medical support that includes 14590
coverage under a health insurance plan, payment of costs of 14591
premiums, co-payments, and deductibles, or payment for medical 14592
expenses incurred on behalf of the child. 14593

(4) "Health insurance coverage" means accessible health 14594
insurance that provides primary care services within either thirty 14595
miles or thirty minutes driving time from the residence of the 14596
child subject to the child support order. 14597

(5) "Health plan administrator" means any entity authorized 14598
under Title XXXIX of the Revised Code to engage in the business of 14599
insurance in this state, any health insuring corporation, any 14600
legal entity that is self-insured and provides benefits to its 14601
employees or members, and the administrator of any such entity or 14602
corporation. 14603

~~(B)~~(6) "National medical support notice" means a form 14604
required by the "Child Support Performance and Incentive Act of 14605
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as 14606
amended, and jointly developed and promulgated by the secretary of 14607
health and human services and the secretary of labor in federal 14608
regulations adopted under that act as modified by the department 14609
of job and family services under section 3119.291 of the Revised 14610

Code. 14611

~~(C)~~(7) "Person required to provide health insurance coverage" 14612
means the obligor, obligee, or both, required by the court under a 14613
court child support order or by the child support enforcement 14614
agency under an administrative child support order to provide 14615
health insurance coverage pursuant to section 3119.30 of the 14616
Revised Code. 14617

(8) Subject to division (B) of this section, "reasonable 14618
cost" means the cost of private family health insurance that does 14619
not exceed an amount equal to five per cent of the annual gross 14620
income of the person responsible for the health care of the 14621
children subject to the child support order. 14622

(9) "Title XIX" has the same meaning as defined in section 14623
5111.20 of the Revised Code. 14624

(B) If the United States secretary of health and human 14625
services issues a regulation defining "reasonable cost" or a 14626
similar term or phrase relevant to the provisions in child support 14627
orders relating to the provision of health care for children 14628
subject to the orders, and if that definition is substantively 14629
different from the meaning of "reasonable cost" as defined in 14630
division (A) of this section, "reasonable cost" as used in this 14631
section shall have the meaning as defined by the United States 14632
secretary of health and human services. 14633

Sec. 3119.30. (A) In any action or proceeding in which a 14634
child support order is issued or modified, the court, with respect 14635
to court child support orders, and the child support enforcement 14636
agency, with respect to administrative child support orders, shall 14637
determine the person responsible for the health care of the 14638
children subject to the child support order. The determination 14639
shall be based on information provided to the court or to the 14640
child support enforcement agency under section 3119.31 of the 14641

Revised Code. The order shall include ~~one of the following:~~ 14642

~~(A) A requirement that the obligor under the child support 14643
order obtain health insurance coverage for the children if 14644
coverage is available at a reasonable cost through a group policy, 14645
contract, or plan offered by the obligor's employer or through any 14646
other group policy, contract, or plan available to the obligor and 14647
is not available for a more reasonable cost through a group 14648
policy, contract, or plan available to the obligee;~~ 14649

~~(B)(1) A requirement that the obligee obtain health insurance 14650
coverage for the children if coverage is available through a group 14651
policy, contract, or plan offered by the obligee's employer or 14652
through any other group policy, contract, or plan available to the 14653
obligee and is available at a more reasonable cost than coverage 14654
is available to the obligor;~~ 14655

(C)(2) A requirement that the obligor under the child support 14656
order obtain health insurance coverage for the children if 14657
coverage is available at a reasonable cost through any group 14658
policy, contract, or plan available to the obligor and, in the 14659
alternative, if the court or child support enforcement agency 14660
determines that health insurance coverage is not available at a 14661
reasonable cost to the obligee or obligor, and that the gross 14662
income of the obligor is over one hundred fifty per cent of the 14663
federal poverty line, pay cash medical support that is five per 14664
cent of the obligor's annual gross income to either the office of 14665
child support in the department of job and family services to 14666
defray the cost of expenditures under Title XIX to provide health 14667
care for the children, or the obligee if the children are not 14668
receiving assistance under Title XIX; 14669

(3) If health insurance coverage for the children is not 14670
available at a reasonable cost through a group policy, contract, 14671
or plan offered by the obligor's or obligee's employer or through 14672

any other group policy, contract, or plan available to the obligor 14673
or the obligee, a requirement that the obligor and the obligee 14674
share liability for the cost of the ~~medical and~~ health care needs 14675
of the children, under an equitable formula established by the 14676
court, with respect to a court child support order, or the child 14677
support enforcement agency, with respect to an administrative 14678
child support order, with appropriate offset of the amount of any 14679
cash medical payment ordered pursuant to division (A)(2) of this 14680
section, and a requirement that if, after the issuance of the 14681
order, health insurance coverage for the children becomes 14682
available at a reasonable cost ~~through a group policy, contract,~~ 14683
~~or plan offered by the obligor's or obligee's employer or through~~ 14684
any other group policy, contract, or plan available to the obligor 14685
or obligee, the obligor or obligee to whom the coverage becomes 14686
available immediately inform the court, with respect to a court 14687
child support order, or the child support enforcement agency, with 14688
respect to an administrative child support order; 14689

~~(D)~~(4) A requirement that both the obligor and the obligee 14690
obtain health insurance coverage for the children if coverage is 14691
available for the children at a reasonable cost to both the 14692
obligor and the obligee and dual coverage would provide for 14693
coordination of medical benefits without unnecessary duplication 14694
of coverage. 14695

(B) The court, with respect to court child support orders, 14696
and the child support enforcement agency, with respect to 14697
administrative child support orders, may determine and include in 14698
an order issued under division (A) of this section that longer 14699
travel times are permissible if residents in part or all of the 14700
service area customarily travel distances farther than thirty 14701
miles or thirty minutes driving time or that primary care services 14702
are accessible only by public transportation. 14703

Sec. 3119.54. If either party to a child support order issued 14704
in accordance with section 3119.30 of the Revised Code is eligible 14705
for medical assistance under Chapter 5111., 5114., or 5115. of the 14706
Revised Code and the other party has obtained health insurance 14707
coverage, the party eligible for medical assistance shall notify 14708
any physician, hospital, or other provider of medical services for 14709
which medical assistance is available of the name and address of 14710
the other party's insurer and of the number of the other party's 14711
health insurance or health care policy, contract, or plan. Any 14712
physician, hospital, or other provider of medical services for 14713
which medical assistance is available under Chapter 5111., 5114., 14714
or 5115. of the Revised Code who is notified under this division 14715
of the existence of a health insurance or health care policy, 14716
contract, or plan with coverage for children who are eligible for 14717
medical assistance shall first bill the insurer for any services 14718
provided for those children. If the insurer fails to pay all or 14719
any part of a claim filed under this section and the services for 14720
which the claim is filed are covered by Chapter 5111., 5114., or 14721
5115. of the Revised Code, the physician, hospital, or other 14722
medical services provider shall bill the remaining unpaid costs of 14723
the services in accordance with Chapter 5111., 5114., or 5115. of 14724
the Revised Code. 14725

Sec. 3123.23. (A) The director of job and family services 14726
shall adopt rules under Chapter 119. of the Revised Code to 14727
implement a program to collect arrearages owed under child support 14728
orders from insurance claims, settlements, awards, and payments 14729
based on information obtained pursuant to Title IV-D of the Social 14730
Security Act, 42 U.S.C. 652. 14731

(B) Any insurer and any director, agent, or employee 14732
authorized to act on behalf of an insurer, that releases 14733
information or makes a disclosure in accordance with rules adopted 14734

pursuant to this section shall be immune from liability in a civil 14735
action for harm resulting from the disclosure. 14736

(C) As used in this section, "insurer" has the same meaning 14737
as in section 3901.32 of the Revised Code. 14738

Sec. 3125.12. Each child support enforcement agency shall 14739
enter into a plan of cooperation with the board of county 14740
commissioners under section 307.983 of the Revised Code and comply 14741
with each ~~fiscal~~ grant agreement the board enters into under 14742
~~section~~ sections 307.98 and 5101.21 and contracts the board enters 14743
into under sections 307.981 and 307.982 of the Revised Code that 14744
affect the agency. 14745

Sec. 3301.0711. (A) The department of education shall: 14746

(1) Annually furnish to, grade, and score all tests required 14747
by section 3301.0710 of the Revised Code to be administered by 14748
city, local, exempted village, and joint vocational school 14749
districts, except that each district shall score any test 14750
administered pursuant to division (B)(10) of this section. Each 14751
test so furnished shall include the data verification code of the 14752
student to whom the test will be administered, as assigned 14753
pursuant to division (D)(2) of section 3301.0714 of the Revised 14754
Code. In furnishing the practice versions of Ohio graduation tests 14755
prescribed by division (F) of section 3301.0710 of the Revised 14756
Code, the department shall make the tests available on its web 14757
site for reproduction by districts. In awarding contracts for 14758
grading tests, the department shall give preference to Ohio-based 14759
entities employing Ohio residents. 14760

(2) Adopt rules for the ethical use of tests and prescribing 14761
the manner in which the tests prescribed by section 3301.0710 of 14762
the Revised Code shall be administered to students. 14763

(B) Except as provided in divisions (C) and (J) of this 14764

section, the board of education of each city, local, and exempted 14765
village school district shall, in accordance with rules adopted 14766
under division (A) of this section: 14767

(1) Administer the reading test prescribed under division 14768
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 14769
to all students in the third grade who have not attained the score 14770
designated for that test under division (A)(2)(c) of section 14771
3301.0710 of the Revised Code. 14772

(2) Administer the mathematics test prescribed under division 14773
(A)(1)(a) of section 3301.0710 of the Revised Code at least once 14774
annually to all students in the third grade. 14775

(3) Administer the tests prescribed under division (A)(1)(b) 14776
of section 3301.0710 of the Revised Code at least once annually to 14777
all students in the fourth grade. 14778

(4) Administer the tests prescribed under division (A)(1)(c) 14779
of section 3301.0710 of the Revised Code at least once annually to 14780
all students in the fifth grade. 14781

(5) Administer the tests prescribed under division (A)(1)(d) 14782
of section 3301.0710 of the Revised Code at least once annually to 14783
all students in the sixth grade. 14784

(6) Administer the tests prescribed under division (A)(1)(e) 14785
of section 3301.0710 of the Revised Code at least once annually to 14786
all students in the seventh grade. 14787

(7) Administer the tests prescribed under division (A)(1)(f) 14788
of section 3301.0710 of the Revised Code at least once annually to 14789
all students in the eighth grade. 14790

(8) Except as provided in division (B)(9) of this section, 14791
administer any test prescribed under division (B) of section 14792
3301.0710 of the Revised Code as follows: 14793

(a) At least once annually to all tenth grade students and at 14794

least twice annually to all students in eleventh or twelfth grade 14795
who have not yet attained the score on that test designated under 14796
that division; 14797

(b) To any person who has successfully completed the 14798
curriculum in any high school or the individualized education 14799
program developed for the person by any high school pursuant to 14800
section 3323.08 of the Revised Code but has not received a high 14801
school diploma and who requests to take such test, at any time 14802
such test is administered in the district. 14803

(9) In lieu of the board of education of any city, local, or 14804
exempted village school district in which the student is also 14805
enrolled, the board of a joint vocational school district shall 14806
administer any test prescribed under division (B) of section 14807
3301.0710 of the Revised Code at least twice annually to any 14808
student enrolled in the joint vocational school district who has 14809
not yet attained the score on that test designated under that 14810
division. A board of a joint vocational school district may also 14811
administer such a test to any student described in division 14812
(B)(8)(b) of this section. 14813

(10) If the district has been declared to be under an 14814
academic watch or in a state of academic emergency pursuant to 14815
section 3302.03 of the Revised Code or has a three-year average 14816
graduation rate of not more than seventy-five per cent, administer 14817
each test prescribed by division (F) of section 3301.0710 of the 14818
Revised Code in September to all ninth grade students, beginning 14819
in the school year that starts July 1, 2005. 14820

(C)(1)(a) Any student receiving special education services 14821
under Chapter 3323. of the Revised Code may be excused from taking 14822
any particular test required to be administered under this section 14823
if the individualized education program developed for the student 14824
pursuant to section 3323.08 of the Revised Code excuses the 14825
student from taking that test and instead specifies an alternate 14826

assessment method approved by the department of education as 14827
conforming to requirements of federal law for receipt of federal 14828
funds for disadvantaged pupils. To the extent possible, the 14829
individualized education program shall not excuse the student from 14830
taking a test unless no reasonable accommodation can be made to 14831
enable the student to take the test. 14832

(b) Any alternate assessment approved by the department for a 14833
student under this division shall produce measurable results 14834
comparable to those produced by the tests which the alternate 14835
assessments are replacing in order to allow for the student's 14836
assessment results to be included in the data compiled for a 14837
school district or building under section 3302.03 of the Revised 14838
Code. 14839

(c) Any student enrolled in a chartered nonpublic school who 14840
has been identified, based on an evaluation conducted in 14841
accordance with section 3323.03 of the Revised Code or section 504 14842
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 14843
794, as amended, as a child with a disability shall be excused 14844
from taking any particular test required to be administered under 14845
this section if a plan developed for the student pursuant to rules 14846
adopted by the state board excuses the student from taking that 14847
test. In the case of any student so excused from taking a test, 14848
the chartered nonpublic school shall not prohibit the student from 14849
taking the test. 14850

(2) A district board may, for medical reasons or other good 14851
cause, excuse a student from taking a test administered under this 14852
section on the date scheduled, but any such test shall be 14853
administered to such excused student not later than nine days 14854
following the scheduled date. The board shall annually report the 14855
number of students who have not taken one or more of the tests 14856
required by this section to the state board of education not later 14857
than the thirtieth day of June. 14858

(3) As used in this division, "limited English proficient student" has the same meaning as in 20 U.S.C. 7801. 14859
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No school district board shall excuse any limited English proficient student from taking any particular test required to be administered under this section, except that any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any such reading or writing test. However, no board shall prohibit a limited English proficient student who is not required to take a test under this division from taking the test. A board may permit any limited English proficient student to take any test required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department. 14861
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The governing authority of a chartered nonpublic school may excuse a limited English proficient student from taking any test administered under this section. However, no governing authority shall prohibit a limited English proficient student from taking the test. 14875
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(D)(1) In the school year next succeeding the school year in which the tests prescribed by division (A)(1) or (B) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's test performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on 14880
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the test. 14891

(2) Following any administration of the tests prescribed by 14892
division (F) of section 3301.0710 of the Revised Code to ninth 14893
grade students, each school district that has a three-year average 14894
graduation rate of not more than seventy-five per cent shall 14895
determine for each high school in the district whether the school 14896
shall be required to provide intervention services to any students 14897
who took the tests. In determining which high schools shall 14898
provide intervention services based on the resources available, 14899
the district shall consider each school's graduation rate and 14900
scores on the practice tests. The district also shall consider the 14901
scores received by ninth grade students on the reading and 14902
mathematics tests prescribed under division (A)(1)(f) of section 14903
3301.0710 of the Revised Code in the eighth grade in determining 14904
which high schools shall provide intervention services. 14905

Each high school selected to provide intervention services 14906
under this division shall provide intervention services to any 14907
student whose test results indicate that the student is failing to 14908
make satisfactory progress toward being able to attain scores at 14909
the proficient level on the Ohio graduation tests. Intervention 14910
services shall be provided in any skill in which a student 14911
demonstrates unsatisfactory progress and shall be commensurate 14912
with the student's test performance. Schools shall provide the 14913
intervention services prior to the end of the school year, during 14914
the summer following the ninth grade, in the next succeeding 14915
school year, or at any combination of those times. 14916

(E) Except as provided in section 3313.608 of the Revised 14917
Code and division (M) of this section, no school district board of 14918
education shall utilize any student's failure to attain a 14919
specified score on any test administered under this section as a 14920
factor in any decision to deny the student promotion to a higher 14921
grade level. However, a district board may choose not to promote 14922

to the next grade level any student who does not take any test 14923
administered under this section or make up such test as provided 14924
by division (C)(2) of this section and who is not exempt from the 14925
requirement to take the test under division (C)(3) of this 14926
section. 14927

(F) No person shall be charged a fee for taking any test 14928
administered under this section. 14929

(G)(1) Each school district board shall ~~submit~~ designate one 14930
location for the collection of tests administered in the spring 14931
under division (B)(1) of this section and the tests administered 14932
under divisions (B)(2) to (7) of this section. Each district board 14933
shall submit the tests to the entity with which the department 14934
contracts for the scoring of the tests as follows: 14935

(a) If the district's total enrollment in grades kindergarten 14936
through twelve during the first full school week of October was 14937
less than two thousand five hundred, not later than the Friday 14938
after the tests are administered, ~~except that;~~ 14939

(b) If the district's total enrollment in grades kindergarten 14940
through twelve during the first full school week of October was 14941
two thousand five hundred or more, but less than seven thousand, 14942
not later than the Monday after the tests are administered; 14943

(c) If the district's total enrollment in grades kindergarten 14944
through twelve during the first full school week of October was 14945
seven thousand or more, not later than the Tuesday after the tests 14946
are administered. 14947

However, any such test that a student takes during the 14948
make-up period described in division (C)(2) of this section shall 14949
be submitted not later than the Friday following the day the 14950
student takes the test. 14951

(2) The department or an entity with which the department 14952
contracts for the scoring of the test shall send to each school 14953

district board a list of the individual test scores of all persons 14954
taking any test prescribed by division (A)(1) or (B) of section 14955
3301.0710 of the Revised Code within sixty days after its 14956
administration, but in no case shall the scores be returned later 14957
than the fifteenth day of June following the administration. For 14958
any tests administered under this section by a joint vocational 14959
school district, the department or entity shall also send to each 14960
city, local, or exempted village school district a list of the 14961
individual test scores of any students of such city, local, or 14962
exempted village school district who are attending school in the 14963
joint vocational school district. 14964

(H) Individual test scores on any tests administered under 14965
this section shall be released by a district board only in 14966
accordance with section 3319.321 of the Revised Code and the rules 14967
adopted under division (A) of this section. No district board or 14968
its employees shall utilize individual or aggregate test results 14969
in any manner that conflicts with rules for the ethical use of 14970
tests adopted pursuant to division (A) of this section. 14971

(I) Except as provided in division (G) of this section, the 14972
department or an entity with which the department contracts for 14973
the scoring of the test shall not release any individual test 14974
scores on any test administered under this section. The state 14975
board of education shall adopt rules to ensure the protection of 14976
student confidentiality at all times. The rules may require the 14977
use of the data verification codes assigned to students pursuant 14978
to division (D)(2) of section 3301.0714 of the Revised Code to 14979
protect the confidentiality of student test scores. 14980

(J) Notwithstanding division (D) of section 3311.52 of the 14981
Revised Code, this section does not apply to the board of 14982
education of any cooperative education school district except as 14983
provided under rules adopted pursuant to this division. 14984

(1) In accordance with rules that the state board of 14985

education shall adopt, the board of education of any city, 14986
exempted village, or local school district with territory in a 14987
cooperative education school district established pursuant to 14988
divisions (A) to (C) of section 3311.52 of the Revised Code may 14989
enter into an agreement with the board of education of the 14990
cooperative education school district for administering any test 14991
prescribed under this section to students of the city, exempted 14992
village, or local school district who are attending school in the 14993
cooperative education school district. 14994

(2) In accordance with rules that the state board of 14995
education shall adopt, the board of education of any city, 14996
exempted village, or local school district with territory in a 14997
cooperative education school district established pursuant to 14998
section 3311.521 of the Revised Code shall enter into an agreement 14999
with the cooperative district that provides for the administration 15000
of any test prescribed under this section to both of the 15001
following: 15002

(a) Students who are attending school in the cooperative 15003
district and who, if the cooperative district were not 15004
established, would be entitled to attend school in the city, 15005
local, or exempted village school district pursuant to section 15006
3313.64 or 3313.65 of the Revised Code; 15007

(b) Persons described in division (B)(8)(b) of this section. 15008

Any testing of students pursuant to such an agreement shall 15009
be in lieu of any testing of such students or persons pursuant to 15010
this section. 15011

(K)(1) Any chartered nonpublic school may participate in the 15012
testing program by administering any of the tests prescribed by 15013
section 3301.0710 or 3301.0712 of the Revised Code if the chief 15014
administrator of the school specifies which tests the school 15015
wishes to administer. Such specification shall be made in writing 15016

to the superintendent of public instruction prior to the first day 15017
of August of any school year in which tests are administered and 15018
shall include a pledge that the nonpublic school will administer 15019
the specified tests in the same manner as public schools are 15020
required to do under this section and rules adopted by the 15021
department. 15022

(2) The department of education shall furnish the tests 15023
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 15024
to any chartered nonpublic school electing to participate under 15025
this division. 15026

(L)(1) The superintendent of the state school for the blind 15027
and the superintendent of the state school for the deaf shall 15028
administer the tests described by section 3301.0710 of the Revised 15029
Code. Each superintendent shall administer the tests in the same 15030
manner as district boards are required to do under this section 15031
and rules adopted by the department of education and in conformity 15032
with division (C)(1)(a) of this section. 15033

(2) The department of education shall furnish the tests 15034
described by section 3301.0710 of the Revised Code to each 15035
superintendent. 15036

(M) Notwithstanding division (E) of this section, a school 15037
district may use a student's failure to attain a score in at least 15038
the basic range on the mathematics test described by division 15039
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 15040
the tests described by division (A)(1)(b), (c), (d), (e), or (f) 15041
of section 3301.0710 of the Revised Code as a factor in retaining 15042
that student in the current grade level. 15043

(N)(1) In the manner specified in divisions (N)(3) to (5) of 15044
this section, the tests required by section 3301.0710 of the 15045
Revised Code shall become public records pursuant to section 15046
149.43 of the Revised Code on the first day of July following the 15047

school year that the test was administered. 15048

(2) The department may field test proposed test questions 15049
with samples of students to determine the validity, reliability, 15050
or appropriateness of test questions for possible inclusion in a 15051
future year's test. The department also may use anchor questions 15052
on tests to ensure that different versions of the same test are of 15053
comparable difficulty. 15054

Field test questions and anchor questions shall not be 15055
considered in computing test scores for individual students. Field 15056
test questions and anchor questions may be included as part of the 15057
administration of any test required by section 3301.0710 of the 15058
Revised Code. 15059

(3) Any field test question or anchor question administered 15060
under division (N)(2) of this section shall not be a public 15061
record. Such field test questions and anchor questions shall be 15062
redacted from any tests which are released as a public record 15063
pursuant to division (N)(1) of this section. 15064

(4) This division applies to the tests prescribed by division 15065
(A) of section 3301.0710 of the Revised Code. 15066

(a) The first administration of each test, as specified in 15067
section 3301.0712 of the Revised Code, shall be a public record. 15068

(b) For subsequent administrations of each test, not less 15069
than forty per cent of the questions on the test that are used to 15070
compute a student's score shall be a public record. The department 15071
shall determine which questions will be needed for reuse on a 15072
future test and those questions shall not be public records and 15073
shall be redacted from the test prior to its release as a public 15074
record. 15075

(5) Each test prescribed by division (B) of section 3301.0710 15076
of the Revised Code that is administered in the spring shall be a 15077
public record. Each test prescribed by that division that is 15078

administered in the fall or summer shall not be a public record. 15079

(0) As used in this section: 15080

(1) "Three-year average" means the average of the most recent 15081
consecutive three school years of data. 15082

(2) "Dropout" means a student who withdraws from school 15083
before completing course requirements for graduation and who is 15084
not enrolled in an education program approved by the state board 15085
of education or an education program outside the state. "Dropout" 15086
does not include a student who has departed the country. 15087

(3) "Graduation rate" means the ratio of students receiving a 15088
diploma to the number of students who entered ninth grade four 15089
years earlier. Students who transfer into the district are added 15090
to the calculation. Students who transfer out of the district for 15091
reasons other than dropout are subtracted from the calculation. If 15092
a student who was a dropout in any previous year returns to the 15093
same school district, that student shall be entered into the 15094
calculation as if the student had entered ninth grade four years 15095
before the graduation year of the graduating class that the 15096
student joins. 15097

Sec. 3301.0714. (A) The state board of education shall adopt 15098
rules for a statewide education management information system. The 15099
rules shall require the state board to establish guidelines for 15100
the establishment and maintenance of the system in accordance with 15101
this section and the rules adopted under this section. The 15102
guidelines shall include: 15103

(1) Standards identifying and defining the types of data in 15104
the system in accordance with divisions (B) and (C) of this 15105
section; 15106

(2) Procedures for annually collecting and reporting the data 15107
to the state board in accordance with division (D) of this 15108

section;	15109
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	15110 15111
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section.	15112 15113
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	15114 15115 15116
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	15117 15118 15119
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for handicapped students, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of handicap. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.	15120 15121 15122 15123 15124 15125 15126 15127 15128 15129 15130 15131 15132 15133 15134 15135 15136 15137
(b) The numbers of students receiving support or extracurricular services for each of the support services or	15138 15139

extracurricular programs offered by the school district, such as 15140
counseling services, health services, and extracurricular sports 15141
and fine arts programs. The categories of services required by the 15142
guidelines under this division shall be the same as the categories 15143
of services used in determining cost units pursuant to division 15144
(C)(4)(a) of this section. 15145

(c) Average student grades in each subject in grades nine 15146
through twelve; 15147

(d) Academic achievement levels as assessed by the testing of 15148
student achievement under sections 3301.0710 and 3301.0711 of the 15149
Revised Code; 15150

(e) The number of students designated as having a 15151
handicapping condition pursuant to division (C)(1) of section 15152
3301.0711 of the Revised Code; 15153

(f) The numbers of students reported to the state board 15154
pursuant to division (C)(2) of section 3301.0711 of the Revised 15155
Code; 15156

(g) Attendance rates and the average daily attendance for the 15157
year. For purposes of this division, a student shall be counted as 15158
present for any field trip that is approved by the school 15159
administration. 15160

(h) Expulsion rates; 15161

(i) Suspension rates; 15162

(j) The percentage of students receiving corporal punishment; 15163

(k) Dropout rates; 15164

(l) Rates of retention in grade; 15165

(m) For pupils in grades nine through twelve, the average 15166
number of carnegie units, as calculated in accordance with state 15167
board of education rules; 15168

(n) Graduation rates, to be calculated in a manner specified 15169
by the department of education that reflects the rate at which 15170
students who were in the ninth grade three years prior to the 15171
current year complete school and that is consistent with 15172
nationally accepted reporting requirements; 15173

(o) Results of diagnostic assessments administered to 15174
kindergarten students as required under section 3301.0715 of the 15175
Revised Code to permit a comparison of the academic readiness of 15176
kindergarten students. However, no district shall be required to 15177
report to the department the results of any diagnostic assessment 15178
administered to a kindergarten student if the parent of that 15179
student requests the district not to report those results. 15180

(2) Personnel and classroom enrollment data for each school 15181
district, including: 15182

(a) The total numbers of licensed employees and nonlicensed 15183
employees and the numbers of full-time equivalent licensed 15184
employees and nonlicensed employees providing each category of 15185
instructional service, instructional support service, and 15186
administrative support service used pursuant to division (C)(3) of 15187
this section. The guidelines adopted under this section shall 15188
require these categories of data to be maintained for the school 15189
district as a whole and, wherever applicable, for each grade in 15190
the school district as a whole, for each school building as a 15191
whole, and for each grade in each school building. 15192

(b) The total number of employees and the number of full-time 15193
equivalent employees providing each category of service used 15194
pursuant to divisions (C)(4)(a) and (b) of this section, and the 15195
total numbers of licensed employees and nonlicensed employees and 15196
the numbers of full-time equivalent licensed employees and 15197
nonlicensed employees providing each category used pursuant to 15198
division (C)(4)(c) of this section. The guidelines adopted under 15199
this section shall require these categories of data to be 15200

maintained for the school district as a whole and, wherever 15201
applicable, for each grade in the school district as a whole, for 15202
each school building as a whole, and for each grade in each school 15203
building. 15204

(c) The total number of regular classroom teachers teaching 15205
classes of regular education and the average number of pupils 15206
enrolled in each such class, in each of grades kindergarten 15207
through five in the district as a whole and in each school 15208
building in the school district. 15209

(d) The number of master teachers employed by each school 15210
district and each school building, once a definition of master 15211
teacher has been developed by the educator standards board 15212
pursuant to section 3319.61 of the Revised Code. 15213

(3)(a) Student demographic data for each school district, 15214
including information regarding the gender ratio of the school 15215
district's pupils, the racial make-up of the school district's 15216
pupils, the number of limited English proficient students in the 15217
district, and an appropriate measure of the number of the school 15218
district's pupils who reside in economically disadvantaged 15219
households. The demographic data shall be collected in a manner to 15220
allow correlation with data collected under division (B)(1) of 15221
this section. Categories for data collected pursuant to division 15222
(B)(3) of this section shall conform, where appropriate, to 15223
standard practices of agencies of the federal government. 15224

(b) With respect to each student entering kindergarten, 15225
whether the student previously participated in a public preschool 15226
program, a private preschool program, or a head start program, and 15227
the number of years the student participated in each of these 15228
programs. 15229

(4) Any data required to be collected pursuant to federal 15230
law. 15231

(C) The education management information system shall include 15232
cost accounting data for each district as a whole and for each 15233
school building in each school district. The guidelines adopted 15234
under this section shall require the cost data for each school 15235
district to be maintained in a system of mutually exclusive cost 15236
units and shall require all of the costs of each school district 15237
to be divided among the cost units. The guidelines shall require 15238
the system of mutually exclusive cost units to include at least 15239
the following: 15240

(1) Administrative costs for the school district as a whole. 15241
The guidelines shall require the cost units under this division 15242
(C)(1) to be designed so that each of them may be compiled and 15243
reported in terms of average expenditure per pupil in formula ADM 15244
in the school district, as determined pursuant to section 3317.03 15245
of the Revised Code. 15246

(2) Administrative costs for each school building in the 15247
school district. The guidelines shall require the cost units under 15248
this division (C)(2) to be designed so that each of them may be 15249
compiled and reported in terms of average expenditure per 15250
full-time equivalent pupil receiving instructional or support 15251
services in each building. 15252

(3) Instructional services costs for each category of 15253
instructional service provided directly to students and required 15254
by guidelines adopted pursuant to division (B)(1)(a) of this 15255
section. The guidelines shall require the cost units under 15256
division (C)(3) of this section to be designed so that each of 15257
them may be compiled and reported in terms of average expenditure 15258
per pupil receiving the service in the school district as a whole 15259
and average expenditure per pupil receiving the service in each 15260
building in the school district and in terms of a total cost for 15261
each category of service and, as a breakdown of the total cost, a 15262
cost for each of the following components: 15263

(a) The cost of each instructional services category required	15264
by guidelines adopted under division (B)(1)(a) of this section	15265
that is provided directly to students by a classroom teacher;	15266
(b) The cost of the instructional support services, such as	15267
services provided by a speech-language pathologist, classroom	15268
aide, multimedia aide, or librarian, provided directly to students	15269
in conjunction with each instructional services category;	15270
(c) The cost of the administrative support services related	15271
to each instructional services category, such as the cost of	15272
personnel that develop the curriculum for the instructional	15273
services category and the cost of personnel supervising or	15274
coordinating the delivery of the instructional services category.	15275
(4) Support or extracurricular services costs for each	15276
category of service directly provided to students and required by	15277
guidelines adopted pursuant to division (B)(1)(b) of this section.	15278
The guidelines shall require the cost units under division (C)(4)	15279
of this section to be designed so that each of them may be	15280
compiled and reported in terms of average expenditure per pupil	15281
receiving the service in the school district as a whole and	15282
average expenditure per pupil receiving the service in each	15283
building in the school district and in terms of a total cost for	15284
each category of service and, as a breakdown of the total cost, a	15285
cost for each of the following components:	15286
(a) The cost of each support or extracurricular services	15287
category required by guidelines adopted under division (B)(1)(b)	15288
of this section that is provided directly to students by a	15289
licensed employee, such as services provided by a guidance	15290
counselor or any services provided by a licensed employee under a	15291
supplemental contract;	15292
(b) The cost of each such services category provided directly	15293
to students by a nonlicensed employee, such as janitorial	15294

services, cafeteria services, or services of a sports trainer; 15295

(c) The cost of the administrative services related to each 15296
services category in division (C)(4)(a) or (b) of this section, 15297
such as the cost of any licensed or nonlicensed employees that 15298
develop, supervise, coordinate, or otherwise are involved in 15299
administering or aiding the delivery of each services category. 15300

(D)(1) The guidelines adopted under this section shall 15301
require school districts to collect information about individual 15302
students, staff members, or both in connection with any data 15303
required by division (B) or (C) of this section or other reporting 15304
requirements established in the Revised Code. The guidelines may 15305
also require school districts to report information about 15306
individual staff members in connection with any data required by 15307
division (B) or (C) of this section or other reporting 15308
requirements established in the Revised Code. The guidelines shall 15309
not authorize school districts to request social security numbers 15310
of individual students. The guidelines shall prohibit the 15311
reporting under this section of a student's name, address, and 15312
social security number to the state board of education or the 15313
department of education. The guidelines shall also prohibit the 15314
reporting under this section of any personally identifiable 15315
information about any student, except for the purpose of assigning 15316
the data verification code required by division (D)(2) of this 15317
section, to any other person unless such person is employed by the 15318
school district or the information technology center operated 15319
under section 3301.075 of the Revised Code and is authorized by 15320
the district or technology center to have access to such 15321
information or is employed by an entity with which the department 15322
contracts for the scoring of tests administered under section 15323
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 15324
require school districts to provide the social security numbers of 15325
individual staff members. 15326

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

Individual student data shall be reported to the department through the information technology centers utilizing the code but, ~~except as provided in section 3310.11 of the Revised Code,~~ at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

Each school district shall ensure that the data verification code is included in the student's records reported to any subsequent school district or community school in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

The director of health shall request and receive, pursuant to sections 3301.0723 and 3701.62 of the Revised Code, a data verification code for a child who is receiving services under division (A)(2) of section 3701.61 of the Revised Code.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled

as part of the profile formats required under division (G) of this 15359
section or the annual statewide report required under division (H) 15360
of this section. 15361

(F) Beginning with the school year that begins July 1, 1991, 15362
the board of education of each school district shall annually 15363
collect and report to the state board, in accordance with the 15364
guidelines established by the board, the data required pursuant to 15365
this section. A school district may collect and report these data 15366
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 15367

(G) The state board shall, in accordance with the procedures 15368
it adopts, annually compile the data reported by each school 15369
district pursuant to division (D) of this section. The state board 15370
shall design formats for profiling each school district as a whole 15371
and each school building within each district and shall compile 15372
the data in accordance with these formats. These profile formats 15373
shall: 15374

(1) Include all of the data gathered under this section in a 15375
manner that facilitates comparison among school districts and 15376
among school buildings within each school district; 15377

(2) Present the data on academic achievement levels as 15378
assessed by the testing of student achievement maintained pursuant 15379
to division (B)(1)(d) of this section. 15380

(H)(1) The state board shall, in accordance with the 15381
procedures it adopts, annually prepare a statewide report for all 15382
school districts and the general public that includes the profile 15383
of each of the school districts developed pursuant to division (G) 15384
of this section. Copies of the report shall be sent to each school 15385
district. 15386

(2) The state board shall, in accordance with the procedures 15387
it adopts, annually prepare an individual report for each school 15388
district and the general public that includes the profiles of each 15389

of the school buildings in that school district developed pursuant 15390
to division (G) of this section. Copies of the report shall be 15391
sent to the superintendent of the district and to each member of 15392
the district board of education. 15393

(3) Copies of the reports received from the state board under 15394
divisions (H)(1) and (2) of this section shall be made available 15395
to the general public at each school district's offices. Each 15396
district board of education shall make copies of each report 15397
available to any person upon request and payment of a reasonable 15398
fee for the cost of reproducing the report. The board shall 15399
annually publish in a newspaper of general circulation in the 15400
school district, at least twice during the two weeks prior to the 15401
week in which the reports will first be available, a notice 15402
containing the address where the reports are available and the 15403
date on which the reports will be available. 15404

(I) Any data that is collected or maintained pursuant to this 15405
section and that identifies an individual pupil is not a public 15406
record for the purposes of section 149.43 of the Revised Code. 15407

(J) As used in this section: 15408

~~(1) "School district" means any city, local, exempted 15409
village, or joint vocational school district. 15410~~

~~(2) "Cost", "cost" means any expenditure for operating 15411
expenses made by a school district excluding any expenditures for 15412
debt retirement except for payments made to any commercial lending 15413
institution for any loan approved pursuant to section 3313.483 of 15414
the Revised Code. 15415~~

(K) Any person who removes data from the information system 15416
established under this section for the purpose of releasing it to 15417
any person not entitled under law to have access to such 15418
information is subject to section 2913.42 of the Revised Code 15419
prohibiting tampering with data. 15420

~~(L) Any time the department of education determines that a school district has taken any of the actions described under division (L)(1), (2), or (3) of this section, it shall make a report of the actions of the district, send a copy of the report to the superintendent of such school district, and maintain a copy of the report in its files:~~

~~(1) The school district fails to meet any deadline established pursuant to this section for the reporting of any data to the education management information system;~~

~~(2) The school district fails to meet any deadline established pursuant to this section for the correction of any data reported to the education management information system;~~

~~(3) The school district reports data to the education management information system in a condition, as determined by the department, that indicates that the district did not make a good faith effort in reporting the data to the system.~~

~~Any report made under this division shall include recommendations for corrective action by the school district.~~

~~Upon making a report for the first time in a fiscal year, the department shall withhold ten per cent of the total amount due during that fiscal year under Chapter 3317. of the Revised Code to the school district to which the report applies. Upon making a second report in a fiscal year, the department shall withhold an additional twenty per cent of such total amount due during that fiscal year to the school district to which the report applies. The department shall not release such funds unless it determines that the district has taken corrective action. However, no such release of funds shall occur if the district fails to take corrective action within forty five days of the date upon which the report was made by the department.~~

(1) In accordance with division (L)(2) of this section, the

department of education may sanction any school district that 15452
reports incomplete or inaccurate data, reports data that does not 15453
conform to data requirements and descriptions published by the 15454
department, fails to report data in a timely manner, or otherwise 15455
does not make a good faith effort to report data as required by 15456
this section. 15457

(2) If the department decides to sanction a school district 15458
under this division, the department shall take the following 15459
sequential actions: 15460

(a) Notify the district in writing that the department has 15461
determined that data has not been reported as required under this 15462
section and require the district to review its data submission and 15463
submit corrected data by a deadline established by the department. 15464
The department also may require the district to develop a 15465
corrective action plan, which shall include provisions for the 15466
district to provide mandatory staff training on data reporting 15467
procedures. 15468

(b) Withhold up to ten per cent of the total amount due to 15469
the district under Chapter 3317. of the Revised Code for the 15470
current fiscal year and, if not previously required under division 15471
(L)(2)(a) of this section, require the district to develop a 15472
corrective action plan in accordance with that division; 15473

(c) Withhold an additional amount of up to twenty per cent of 15474
the total amount due to the district under Chapter 3317. of the 15475
Revised Code for the current fiscal year; 15476

(d) Direct department staff or an outside entity to 15477
investigate the district's data reporting practices and make 15478
recommendations for subsequent actions. The recommendations may 15479
include one or more of the following actions: 15480

(i) Arrange for an audit of the district's data reporting 15481
practices by department staff or an outside entity; 15482

<u>(ii) Conduct a site visit and evaluation of the district;</u>	15483
<u>(iii) Withhold an additional amount of up to thirty per cent of the total amount due to the district under Chapter 3317. of the Revised Code for the current fiscal year;</u>	15484 15485 15486
<u>(iv) Continue monitoring the district's data reporting;</u>	15487
<u>(v) Assign department staff to supervise the district's data management system;</u>	15488 15489
<u>(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;</u>	15490 15491 15492
<u>(vii) Indicate on the report card issued for the district under section 3302.03 of the Revised Code that the district has been sanctioned for failing to report data as required by this section;</u>	15493 15494 15495 15496
<u>(viii) If incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under section 3302.03 of the Revised Code, issue a revised report card for the district;</u>	15497 15498 15499 15500
<u>(ix) Any other action designed to correct the district's data reporting problems.</u>	15501 15502
<u>(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent and maintain a copy of the report in its files.</u>	15503 15504 15505 15506 15507
<u>(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the</u>	15508 15509 15510 15511 15512

department may release those funds to the district, except that if 15513
the department withheld funding under division (L)(2)(c) of this 15514
section, the department shall not release the funds withheld under 15515
division (L)(2)(b) of this section and, if the department withheld 15516
funding under division (L)(2)(d) of this section, the department 15517
shall not release the funds withheld under division (L)(2)(b) or 15518
(c) of this section. 15519

(5) Notwithstanding anything in this section to the contrary, 15520
the department may use its own staff or an outside entity to 15521
conduct an audit of a school district's data reporting practices 15522
any time the department has reason to believe the district has not 15523
made a good faith effort to report data as required by this 15524
section. If any audit conducted by an outside entity under 15525
division (L)(2)(d)(i) or (5) of this section confirms that a 15526
district has not made a good faith effort to report data as 15527
required by this section, the district shall reimburse the 15528
department for the full cost of the audit. The department may 15529
withhold funds due to the district under Chapter 3317. of the 15530
Revised Code for this purpose. 15531

(6) Prior to issuing a revised report card for a school 15532
district under division (L)(2)(d)(viii) of this section, the 15533
department may hold a hearing to provide the district with an 15534
opportunity to demonstrate that it made a good faith effort to 15535
report data as required by this section. The hearing shall be 15536
conducted by a referee appointed by the department. Based on the 15537
information provided in the hearing, the referee shall recommend 15538
whether the department should issue a revised report card for the 15539
district. If the referee affirms the department's contention that 15540
the district did not make a good faith effort to report data as 15541
required by this section, the district shall bear the full cost of 15542
conducting the hearing and of issuing any revised report card. 15543

(7) If the department determines that any inaccurate data 15544

reported under this section caused a school district to receive 15545
excess funds under Chapter 3317. of the Revised Code in any fiscal 15546
year, the district shall reimburse the department an amount equal 15547
to the excess funds, in accordance with a payment schedule 15548
determined by the department. The department may withhold funds 15549
due to the district under Chapter 3317. of the Revised Code for 15550
this purpose. 15551

(8) Any school district that has funds withheld under 15552
division (L)(2) of this section may appeal the withholding in 15553
accordance with Chapter 119. of the Revised Code. 15554

(9) In all cases of a disagreement between the department and 15555
a school district regarding the appropriateness of an action taken 15556
under division (L)(2) of this section, the burden of proof shall 15557
be on the district to demonstrate that it made a good faith effort 15558
to report data as required by this section. 15559

(M) No information technology center or school district shall 15560
acquire, change, or update its student administration software 15561
package to manage and report data required to be reported to the 15562
department unless it converts to a student software package that 15563
is certified by the department. 15564

(N) The state board of education, in accordance with sections 15565
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 15566
license as defined under division (A) of section 3319.31 of the 15567
Revised Code that has been issued to any school district employee 15568
found to have willfully reported erroneous, inaccurate, or 15569
incomplete data to the education management information system. 15570

(O) No person shall release or maintain any information about 15571
any student in violation of this section. Whoever violates this 15572
division is guilty of a misdemeanor of the fourth degree. 15573

(P) The department shall disaggregate the data collected 15574
under division (B)(1)(o) of this section according to the race and 15575

socioeconomic status of the students assessed. No data collected 15576
under that division shall be included on the report cards required 15577
by section 3302.03 of the Revised Code. 15578

(Q) If the department cannot compile any of the information 15579
required by division (C)(5) of section 3302.03 of the Revised Code 15580
based upon the data collected under this section, the department 15581
shall develop a plan and a reasonable timeline for the collection 15582
of any data necessary to comply with that division. 15583

Sec. 3301.162. (A) If the governing authority of a chartered 15584
nonpublic school intends to close the school, the governing 15585
authority shall notify all of the following of that intent prior 15586
to closing the school: 15587

(1) The department of education; 15588

(2) The school district that receives auxiliary services 15589
funding under division (I) of section 3317.024 of the Revised Code 15590
on behalf of the students enrolled in the school; 15591

(3) The accrediting association that most recently accredited 15592
the school for purposes of chartering the school in accordance 15593
with the rules of the state board of education, if applicable. 15594

The notice shall include the school year and, if possible, 15595
the actual date the school will close. 15596

(B) The chief administrator of each chartered nonpublic 15597
school that closes shall deposit the school's records with the 15598
school district that received auxiliary services funding under 15599
division (I) of section 3317.024 of the Revised Code on behalf of 15600
the students enrolled in the school. 15601

The school district that receives the records may charge for 15602
and receive a one-time reimbursement from auxiliary services 15603
funding under division (I) of section 3317.024 of the Revised Code 15604
for costs the district incurred to store the records. 15605

Sec. 3301.311. (A) As used in this section, "preschool program" has the same meaning as in section 3301.52 of the Revised Code.

(B)~~(1)~~ Subject to ~~division (B)(2)~~ divisions (C) and (D) of this section, ~~after July 1, 2005~~ beginning in fiscal year 2006, no preschool program, and no early childhood education program or early learning program as defined by the department of education shall receive any funds from the state unless fifty per cent of the staff members employed by that program as teachers are working toward an associate degree of a type approved by the department.

(C)(1) Subject to division ~~(B)~~(C)(2) of this section, beginning in fiscal year ~~2008~~ 2010, no preschool program, and no early childhood education program, or early learning program as defined by the department, existing prior to fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained ~~such a~~ an associate degree of a type approved by the department.

(2) ~~After July 1, 2010~~ Beginning in fiscal year 2011, no preschool program, and no early childhood education program or early learning program as defined by the department ~~of education,~~ existing prior to fiscal year 2007, shall receive any funds from the state unless fifty per cent of the staff members employed by the program as teachers have attained a bachelor's degree of a type approved by the department.

(D)(1) Subject to division (D)(2) of this section, beginning in fiscal year 2012, no preschool program, and no early childhood education program or early learning program as defined by the department, established during or after fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.

(2) Beginning in fiscal year 2013, no preschool program, and no early childhood education program or early learning program as defined by the department, established during or after fiscal year 2007, shall receive any funds from the state unless fifty per cent of the staff members employed by the program as teachers have attained a bachelor's degree of a type approved by the department.

Sec. 3301.53. (A) ~~Not later than July 1, 1988, the~~ The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county MR/DD boards, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

(4) A requirement that boards of education intending to establish a preschool program ~~on or after March 17, 1989,~~ demonstrate a need for a preschool program ~~that is not being met~~

~~by any existing program providing child care, prior to~~ 15668
establishing the program; 15669

(5) Requirements that children participating in preschool 15670
programs have been immunized to the extent considered appropriate 15671
by the state board to prevent the spread of communicable disease; 15672

(6) Requirements that the parents of preschool children 15673
complete the emergency medical authorization form specified in 15674
section 3313.712 of the Revised Code. 15675

(B) The state board of education in consultation with the 15676
director of job and family services shall ensure that the rules 15677
adopted by the state board under sections 3301.52 to 3301.58 of 15678
the Revised Code are consistent with and meet or exceed the 15679
requirements of Chapter 5104. of the Revised Code with regard to 15680
child day-care centers. The state board and the director of job 15681
and family services shall review all such rules at least once 15682
every five years. 15683

(C) ~~On or before January 1, 1992, the~~ The state board of 15684
education, in consultation with the director of job and family 15685
services, shall adopt rules for school child programs that are 15686
consistent with and meet or exceed the requirements of the rules 15687
adopted for school child day-care centers under Chapter 5104. of 15688
the Revised Code. 15689

Sec. 3302.03. (A) Annually the department of education shall 15690
report for each school district and each school building in a 15691
district all of the following: 15692

(1) The extent to which the school district or building meets 15693
each of the applicable performance indicators created by the state 15694
board of education under section 3302.02 of the Revised Code and 15695
the number of applicable performance indicators that have been 15696
achieved; 15697

(2) The performance index score of the school district or building;	15698 15699
(3) Whether the school district or building has made adequate yearly progress;	15700 15701
(4) Whether the school district or building is excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.	15702 15703 15704
(B) Except as otherwise provided in division <u>divisions</u> (B)(6) <u>and (7)</u> of this section:	15705 15706
(1) A school district or building shall be declared excellent if it fulfills one of the following requirements:	15707 15708
(a) It makes adequate yearly progress and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.	15709 15710 15711 15712
(b) It has failed to make adequate yearly progress for not more than two consecutive years and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.	15713 15714 15715 15716 15717
(2) A school district or building shall be declared effective if it fulfills one of the following requirements:	15718 15719
(a) It makes adequate yearly progress and either meets at least seventy-five per cent but less than ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.	15720 15721 15722 15723
(b) It does not make adequate yearly progress and either meets at least seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make	15724 15725 15726 15727

adequate yearly progress for three consecutive years, it shall be 15728
declared in need of continuous improvement. 15729

(3) A school district or building shall be declared to be in 15730
need of continuous improvement if it fulfills one of the following 15731
requirements: 15732

(a) It makes adequate yearly progress, meets less than 15733
seventy-five per cent of the applicable state performance 15734
indicators, and has a performance index score established by the 15735
department. 15736

(b) It does not make adequate yearly progress and either 15737
meets at least fifty per cent but less than seventy-five per cent 15738
of the applicable state performance indicators or has a 15739
performance index score established by the department. 15740

(4) A school district or building shall be declared to be 15741
under an academic watch if it does not make adequate yearly 15742
progress and either meets at least thirty-one per cent but less 15743
than fifty per cent of the applicable state performance indicators 15744
or has a performance index score established by the department. 15745

(5) A school district or building shall be declared to be in 15746
a state of academic emergency if it does not make adequate yearly 15747
progress, does not meet at least thirty-one per cent of the 15748
applicable state performance indicators, and has a performance 15749
index score established by the department. 15750

(6) When designating performance ratings for school districts 15751
and buildings under divisions (B)(1) to (5) of this section, the 15752
department shall not assign a school district or building a lower 15753
designation from its previous year's designation based solely on 15754
one subgroup not making adequate yearly progress. 15755

(7) A school district or building shall not be assigned a 15756
higher performance rating than in need of continuous improvement 15757
if at least ten per cent but not more than fifteen per cent of the 15758

enrolled students do not take all achievement tests prescribed for 15759
their grade level under section 3301.0710 of the Revised Code from 15760
which they are not excused pursuant to division (C)(1) or (3) of 15761
section 3301.0711 of the Revised Code. A school district or 15762
building shall not be assigned a higher performance rating than 15763
under an academic watch if more than fifteen per cent but not more 15764
than twenty per cent of the enrolled students do not take all 15765
achievement tests prescribed for their grade level under section 15766
3301.0710 of the Revised Code from which they are not excused 15767
pursuant to division (C)(1) or (3) of section 3301.0711 of the 15768
Revised Code. A school district or building shall not be assigned 15769
a higher performance rating than in a state of academic emergency 15770
if more than twenty per cent of the enrolled students do not take 15771
all achievement tests prescribed for their grade level under 15772
section 3301.0710 of the Revised Code from which they are not 15773
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 15774
the Revised Code. 15775

(C)(1) The department shall issue annual report cards for 15776
each school district, each building within each district, and for 15777
the state as a whole reflecting performance on the indicators 15778
created by the state board under section 3302.02 of the Revised 15779
Code, the performance index score, and adequate yearly progress. 15780

(2) The department shall include on the report card for each 15781
district information pertaining to any change from the previous 15782
year made by the school district or school buildings within the 15783
district on any performance indicator. 15784

(3) When reporting data on student performance, the 15785
department shall disaggregate that data according to the following 15786
categories: 15787

(a) Performance of students by age group; 15788

(b) Performance of students by race and ethnic group; 15789

(c) Performance of students by gender;	15790
(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	15791 15792
(e) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	15793 15794 15795
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	15796 15797
(g) Performance of students grouped by those who are economically disadvantaged;	15798 15799
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	15800 15801 15802
(i) Performance of students grouped by those who are classified as limited English proficient;	15803 15804
(j) Performance of students grouped by those who have disabilities;	15805 15806
(k) Performance of students grouped by those who are classified as migrants;	15807 15808
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	15809 15810 15811
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	15812 15813 15814 15815 15816 15817
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any	15818 15819

data statistical in nature that is statistically unreliable or 15820
that could result in the identification of individual students. 15821
For this purpose, the department shall not report student 15822
performance data for any group identified in division (C)(3) of 15823
this section that contains less than ten students. 15824

(4) The department may include with the report cards any 15825
additional education and fiscal performance data it deems 15826
valuable. 15827

(5) The department shall include on each report card a list 15828
of additional information collected by the department that is 15829
available regarding the district or building for which the report 15830
card is issued. When available, such additional information shall 15831
include student mobility data disaggregated by race and 15832
socioeconomic status, college enrollment data, and the reports 15833
prepared under section 3302.031 of the Revised Code. 15834

The department shall maintain a site on the world wide web. 15835
The report card shall include the address of the site and shall 15836
specify that such additional information is available to the 15837
public at that site. The department shall also provide a copy of 15838
each item on the list to the superintendent of each school 15839
district. The district superintendent shall provide a copy of any 15840
item on the list to anyone who requests it. 15841

(6)(a) This division does not apply to conversion community 15842
schools that primarily enroll students between sixteen and 15843
twenty-two years of age who dropped out of high school or are at 15844
risk of dropping out of high school due to poor attendance, 15845
disciplinary problems, or suspensions. 15846

For any district that sponsors a conversion community school 15847
under Chapter 3314. of the Revised Code, the department shall 15848
combine data regarding the academic performance of students 15849
enrolled in the community school with comparable data from the 15850

schools of the district for the purpose of calculating the 15851
performance of the district as a whole on the report card issued 15852
for the district. 15853

(b) Any district that leases a building to a community school 15854
located in the district or that enters into an agreement with a 15855
community school located in the district whereby the district and 15856
the school endorse each other's programs may elect to have data 15857
regarding the academic performance of students enrolled in the 15858
community school combined with comparable data from the schools of 15859
the district for the purpose of calculating the performance of the 15860
district as a whole on the district report card. Any district that 15861
so elects shall annually file a copy of the lease or agreement 15862
with the department. 15863

(7) The department shall include on each report card the 15864
percentage of teachers in the district or building who are highly 15865
qualified, as defined by the "No Child Left Behind Act of 2001," 15866
and a comparison of that percentage with the percentages of such 15867
teachers in similar districts and buildings. 15868

(8) The department shall include on the report card the 15869
number of master teachers employed by each district and each 15870
building once the data is available from the education management 15871
information system established under section 3301.0714 of the 15872
Revised Code. 15873

(D)(1) In calculating reading, writing, mathematics, social 15874
studies, or science proficiency or achievement test passage rates 15875
used to determine school district or building performance under 15876
this section, the department shall include all students taking a 15877
test with accommodation or to whom an alternate assessment is 15878
administered pursuant to division (C)(1) or (3) of section 15879
3301.0711 of the Revised Code. 15880

(2) In calculating performance index scores, rates of 15881

achievement on the performance indicators established by the state 15882
board under section 3302.02 of the Revised Code, and adequate 15883
yearly progress for school districts and buildings under this 15884
section, the department shall do all of the following: 15885

(a) Include for each district or building only those students 15886
who are included in the ADM certified for the first full school 15887
week of October and are continuously enrolled in the district or 15888
building through the time of the spring administration of any test 15889
prescribed by section 3301.0710 of the Revised Code that is 15890
administered to the student's grade level; 15891

(b) Include cumulative totals from both the fall and spring 15892
administrations of the third grade reading achievement test; 15893

(c) Except as required by the "No Child Left Behind Act of 15894
2001" for the calculation of adequate yearly progress, exclude for 15895
each district or building any limited English proficient student 15896
who has been enrolled in United States schools for less than one 15897
full school year. 15898

Sec. 3302.10. (A) Beginning July 1, 2007, the superintendent 15899
of public instruction ~~shall~~ may establish an academic distress 15900
commission for ~~each~~ any school district that has been declared to 15901
be in a state of academic emergency pursuant to section 3302.03 of 15902
the Revised Code and has failed to make adequate yearly progress 15903
for four or more consecutive school years. Each commission shall 15904
assist the district for which it was established in improving the 15905
district's academic performance. 15906

Each commission is a body both corporate and politic, 15907
constituting an agency and instrumentality of the state and 15908
performing essential governmental functions of the state. A 15909
commission shall be known as the "academic distress commission for 15910
..... (name of school district)," and, in that name, may 15911
exercise all authority vested in such a commission by this 15912

section. A separate commission shall be established for each 15913
school district designated by the superintendent of public 15914
instruction. 15915

(B) Each academic distress commission shall consist of five 15916
voting members, three of whom shall be appointed by the 15917
superintendent of public instruction and two of whom shall be 15918
residents of the applicable school district appointed by the 15919
president of the district board of education of the applicable 15920
school district. When a school district becomes subject to this 15921
section, the superintendent of public instruction shall provide 15922
written notification of that fact to the district board of 15923
education and shall request the president of the district board to 15924
submit to the superintendent of public instruction, in writing, 15925
the names of the president's appointees to the commission. The 15926
superintendent of public instruction and the president of the 15927
district board shall make appointments to the commission within 15928
thirty days after the district is notified that it is subject to 15929
this section. 15930

Members of the commission shall serve at the pleasure of 15931
their appointing authority during the life of the commission. In 15932
the event of the death, resignation, incapacity, removal, or 15933
ineligibility to serve of a member, the appointing authority shall 15934
appoint a successor within fifteen days after the vacancy occurs. 15935
Members shall serve without compensation, but shall be paid by the 15936
commission their necessary and actual expenses incurred while 15937
engaged in the business of the commission. 15938

(C) Immediately after appointment of the initial members of 15939
an academic distress commission, the superintendent of public 15940
instruction shall call the first meeting of the commission and 15941
shall cause written notice of the time, date, and place of that 15942
meeting to be given to each member of the commission at least 15943
forty-eight hours in advance of the meeting. The first meeting 15944

shall include an overview of the commission's roles and responsibilities, the requirements of section 2921.42 and Chapter 102. of the Revised Code as they pertain to commission members, the requirements of section 121.22 of the Revised Code, and the provisions of division (G) of this section. At its first meeting, the commission shall adopt temporary bylaws in accordance with division (D) of this section to govern its operations until the adoption of permanent bylaws. 15945
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The superintendent of public instruction shall designate a chairperson for the commission from among the members appointed by the superintendent. The chairperson shall call and conduct meetings, set meeting agendas, and serve as a liaison between the commission and the district board of education. The chairperson also shall appoint a secretary, who shall not be a member of the commission. 15953
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The department of education shall provide administrative support for the commission, provide data requested by the commission, and inform the commission of available state resources that could assist the commission in its work. 15960
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(D) Each academic distress commission may adopt and alter bylaws and rules, which shall not be subject to section 111.15 or Chapter 119. of the Revised Code, for the conduct of its affairs and for the manner, subject to this section, in which its powers and functions shall be exercised and embodied. 15964
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(E) Three members of an academic distress commission constitute a quorum of the commission. The affirmative vote of three members of the commission is necessary for any action taken by vote of the commission. No vacancy in the membership of the commission shall impair the rights of a quorum by such vote to exercise all the rights and perform all the duties of the commission. Members of the commission are not disqualified from voting by reason of the functions of any other office they hold 15969
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and are not disqualified from exercising the functions of the 15977
other office with respect to the school district, its officers, or 15978
the commission. 15979

(F) The attorney general shall serve as the legal counsel for 15980
each academic distress commission. 15981

(G) The members of an academic distress commission, the 15982
superintendent of public instruction, and any person authorized to 15983
act on behalf of or assist them shall not be personally liable or 15984
subject to any suit, judgment, or claim for damages resulting from 15985
the exercise of or failure to exercise the powers, duties, and 15986
functions granted to them in regard to their functioning under 15987
this section, but the commission, superintendent of public 15988
instruction, and such other persons shall be subject to mandamus 15989
proceedings to compel performance of their duties under this 15990
section. 15991

(H) The members of an academic distress commission are not 15992
subject to section 102.02 of the Revised Code, except that a 15993
member who is subject to that section by virtue of holding another 15994
office or position shall comply with that section with respect to 15995
that other office or position. However, each member of the 15996
commission shall file with the Ohio ethics commission a signed 15997
written statement setting forth the general nature of sales of 15998
goods, property, or services or of loans to the applicable school 15999
district, in which the commission member has a pecuniary interest 16000
or in which any member of the commission member's immediate 16001
family, as defined in section 102.01 of the Revised Code, or any 16002
corporation, partnership, or enterprise of which the commission 16003
member is an officer, director, or partner, or of which the 16004
commission member or a member of the commission member's immediate 16005
family owns more than a five per cent interest, has a pecuniary 16006
interest, and of which sale, loan, or interest the commission 16007
member has knowledge. The statement shall be supplemented from 16008

time to time to reflect changes in the general nature of any such 16009
sales or loans. 16010

(I) Meetings of each academic distress commission shall be 16011
subject to section 121.22 of the Revised Code, except that the 16012
requirement in division (C) of that section for members to be 16013
physically present to be part of a quorum or vote does not apply 16014
if the commission holds a meeting by teleconference and if 16015
provisions are made for public attendance at any location involved 16016
in the teleconference. 16017

(J)(1) Within one hundred twenty days after the first meeting 16018
of an academic distress commission, the commission shall adopt an 16019
academic recovery plan to improve academic performance in the 16020
school district. The plan shall address academic problems at both 16021
the district and school levels. The plan shall include the 16022
following: 16023

(a) Short-term and long-term actions to be taken to improve 16024
the district's academic performance, including any actions 16025
required by section 3302.04 of the Revised Code; 16026

(b) The sequence and timing of the actions described in 16027
division (J)(1)(a) of this section and the persons responsible for 16028
implementing the actions; 16029

(c) Resources that will be applied toward improvement 16030
efforts; 16031

(d) Procedures for monitoring and evaluating improvement 16032
efforts; 16033

(e) Requirements for reporting to the commission and the 16034
district board of education on the status of improvement efforts. 16035

(2) The commission may amend the academic recovery plan 16036
subsequent to adoption. The commission shall update the plan at 16037
least annually. 16038

(3) The commission shall submit the academic recovery plan it 16039
adopts or updates to the superintendent of public instruction for 16040
approval immediately following its adoption or updating. The 16041
superintendent shall evaluate the plan and either approve or 16042
disapprove it within thirty days after its submission. If the plan 16043
is disapproved, the superintendent shall recommend modifications 16044
that will render it acceptable. No academic distress commission 16045
shall implement an academic recovery plan unless the 16046
superintendent has approved it. 16047

(4) County, state, and school district officers and employees 16048
shall assist the commission diligently and promptly in the 16049
implementation of the academic recovery plan. 16050

(K) Each academic distress commission shall seek input from 16051
the district board of education regarding ways to improve the 16052
district's academic performance, but any decision of the 16053
commission related to any authority granted to the commission 16054
under this section shall be final. 16055

The commission may do any of the following: 16056

(1) Appoint school building administrators and reassign 16057
administrative personnel; 16058

(2) Terminate the contracts of administrators or 16059
administrative personnel. The commission shall not be required to 16060
comply with section 3319.16 of the Revised Code with respect to 16061
any contract terminated under this division. 16062

(3) Contract with a private entity to perform school or 16063
district management functions; 16064

(4) Establish a budget for the district and approve district 16065
appropriations and expenditures, unless a financial planning and 16066
supervision commission has been established for the district 16067
pursuant to section 3316.05 of the Revised Code. 16068

~~(D)~~(L) If the board of education of a district for which an academic distress commission has been established under this section renews any collective bargaining agreement under Chapter 4117. of the Revised Code during the existence of the commission, the district board shall not enter into any agreement that would render any decision of the commission unenforceable. Section 3302.08 of the Revised Code does not apply to this division.

Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, if the board of education has entered into a collective bargaining agreement after ~~the effective date of this section~~ September 29, 2005, that contains stipulations relinquishing one or more of the rights or responsibilities listed in division (C) of section 4117.08 of the Revised Code, those stipulations are not enforceable and the district board shall resume holding those rights or responsibilities as if it had not relinquished them in that agreement until such time as both the academic distress commission ceases to exist and the district board agrees to relinquish those rights or responsibilities in a new collective bargaining agreement. The provisions of this paragraph apply to a collective bargaining agreement entered into after ~~the effective date of this section~~ September 29, 2005, and those provisions are deemed to be part of that agreement regardless of whether the district satisfied the conditions prescribed in division (A) of this section at the time the district entered into that agreement.

~~(E)~~(M) An academic distress commission shall cease to exist when the district for which it was established receives a performance rating under section 3302.03 of the Revised Code of in need of continuous improvement or better for two ~~out~~ of the three prior school years; however, the superintendent of public instruction may dissolve the commission earlier if the superintendent determines that the district can perform adequately

without the supervision of the commission. Upon termination of the 16101
commission, the department of education shall compile a final 16102
report of the commission's activities to assist other academic 16103
distress commissions in the conduct of their functions. 16104

Sec. 3310.41. (A) As used in this section: 16105

(1) "Alternative public provider" means either of the 16106
following providers that agrees to enroll a child in the 16107
provider's special education program to implement the child's 16108
individualized education program and to which the child's parent 16109
owes fees for the services provided to the child: 16110

(a) A school district that is not the school district in 16111
which the child is entitled to attend school; 16112

(b) A public entity other than a school district. 16113

(2) "Entitled to attend school" means entitled to attend 16114
school in a school district under section 3313.64 or 3313.65 of 16115
the Revised Code. 16116

(3) "Formula ADM" and "category six special education ADM" 16117
have the same meanings as in section 3317.02 of the Revised Code. 16118

(4) "Handicapped preschool child" and "individualized 16119
education program" have the same meanings as in section 3323.01 of 16120
the Revised Code. 16121

(5) "Parent" has the same meaning as in section 3313.64 of 16122
the Revised Code, except that "parent" does not mean a parent 16123
whose custodial rights have been terminated. 16124

(6) "Preschool scholarship ADM" means the number of 16125
handicapped preschool children reported under division 16126
(B)(3)~~(h)~~(g) of section 3317.03 of the Revised Code. 16127

(7) "Qualified special education child" is a child for whom 16128
all of the following conditions apply: 16129

(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.

(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(c) The child either:

(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child; or

(ii) Is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship under this section is first sought for the child.

(8) "Registered private provider" means a nonpublic school or other nonpublic entity that has been approved by the ~~Department~~ department of Education ~~education~~ to participate in the program established under this section.

(B) There is hereby established the autism scholarship program. Under the program, the department of education shall pay a scholarship to the parent of each qualified special education child upon application of that parent pursuant to procedures and deadlines established by rule of the state board of education. Each scholarship shall be used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special education program that implements the child's individualized education program and that is operated by an alternative public provider or by a registered private provider. Each scholarship

shall be in an amount not to exceed the lesser of the tuition 16161
charged for the child by the special education program or twenty 16162
thousand dollars. The purpose of the scholarship is to permit the 16163
parent of a qualified special education child the choice to send 16164
the child to a special education program, instead of the one 16165
operated by or for the school district in which the child is 16166
entitled to attend school, to receive the services prescribed in 16167
the child's individualized education program once the 16168
individualized education program is finalized. A scholarship under 16169
this section shall not be awarded to the parent of a child while 16170
the child's individualized education program is being developed by 16171
the school district in which the child is entitled to attend 16172
school, or while any administrative or judicial mediation or 16173
proceedings with respect to the content of the child's 16174
individualized education program are pending. A scholarship under 16175
this section shall not be used for a child to attend a public 16176
special education program that operates under a contract, compact, 16177
or other bilateral agreement between the school district in which 16178
the child is entitled to attend school and another school district 16179
or other public provider, or for a child to attend a community 16180
school established under Chapter 3314. of the Revised Code. 16181
However, nothing in this section or in any rule adopted by the 16182
state board shall prohibit a parent whose child attends a public 16183
special education program under a contract, compact, or other 16184
bilateral agreement, or a parent whose child attends a community 16185
school, from applying for and accepting a scholarship under this 16186
section so that the parent may withdraw the child from that 16187
program or community school and use the scholarship for the child 16188
to attend a special education program for which the parent is 16189
required to pay for services for the child. A child attending a 16190
special education program with a scholarship under this section 16191
shall continue to be entitled to transportation to and from that 16192
program in the manner prescribed by law. 16193

(C)(1) As prescribed in divisions (A)(2)~~(h)~~(g), (B)(3)~~(g)~~(f), 16194
and (B)(10) of section 3317.03 of the Revised Code, a child who is 16195
not a handicapped preschool child for whom a scholarship is 16196
awarded under this section shall be counted in the formula ADM and 16197
the category six special education ADM of the district in which 16198
the child is entitled to attend school and not in the formula ADM 16199
and the category six special education ADM of any other school 16200
district. As prescribed in divisions (B)(3)~~(h)~~(g) and (B)(10) of 16201
section 3317.03 of the Revised Code, a child who is a handicapped 16202
preschool child for whom a scholarship is awarded under this 16203
section shall be counted in the preschool scholarship ADM and 16204
category six special education ADM of the school district in which 16205
the child is entitled to attend school and not in the preschool 16206
scholarship ADM or category six special education ADM of any other 16207
school district. 16208

(2) In each fiscal year, the department shall deduct from the 16209
amounts paid to each school district under Chapter 3317. of the 16210
Revised Code, and, if necessary, sections 321.24 and 323.156 of 16211
the Revised Code, the aggregate amount of scholarships awarded 16212
under this section for qualified special education children 16213
included in the formula ADM, or preschool scholarship ADM, and in 16214
the category six special education ADM of that school district as 16215
provided in division (C)(1) of this section. The scholarships 16216
deducted shall be considered as an approved special education and 16217
related services expense for the purpose of the school district's 16218
compliance with division (C)(5) of section 3317.022 of the Revised 16219
Code. 16220

(3) From time to time, the department shall make a payment to 16221
the parent of each qualified special education child for whom a 16222
scholarship has been awarded under this section. The scholarship 16223
amount shall be proportionately reduced in the case of any such 16224
child who is not enrolled in the special education program for 16225

which a scholarship was awarded under this section for the entire 16226
school year. The department shall make no payments to the parent 16227
of a child while any administrative or judicial mediation or 16228
proceedings with respect to the content of the child's 16229
individualized education program are pending. 16230

(D) A scholarship shall not be paid to a parent for payment 16231
of tuition owed to a nonpublic entity unless that entity is a 16232
registered private provider. The department shall approve entities 16233
that meet the standards established by rule of the state board for 16234
the program established under this section. 16235

(E) The state board shall adopt rules under Chapter 119. of 16236
the Revised Code prescribing procedures necessary to implement 16237
this section, including, but not limited to, procedures and 16238
deadlines for parents to apply for scholarships, standards for 16239
registered private providers, and procedures for approval of 16240
entities as registered private providers. 16241

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 16242
and (F), ~~and (G)~~ of this section, when a board of education 16243
decides to dispose of real or personal property that it owns in 16244
its corporate capacity and that exceeds in value ten thousand 16245
dollars, it shall sell the property at public auction, after 16246
giving at least thirty days' notice of the auction by publication 16247
in a newspaper of general circulation or by posting notices in 16248
five of the most public places in the school district in which the 16249
property, if it is real property, is situated, or, if it is 16250
personal property, in the school district of the board of 16251
education that owns the property. The board may offer real 16252
property for sale as an entire tract or in parcels. 16253

(B) When the board of education has offered real or personal 16254
property for sale at public auction at least once pursuant to 16255
division (A) of this section, and the property has not been sold, 16256

the board may sell it at a private sale. Regardless of how it was 16257
offered at public auction, at a private sale, the board shall, as 16258
it considers best, sell real property as an entire tract or in 16259
parcels, and personal property in a single lot or in several lots. 16260

(C) If a board of education decides to dispose of real or 16261
personal property that it owns in its corporate capacity and that 16262
exceeds in value ten thousand dollars, it may sell the property to 16263
the adjutant general; to any subdivision or taxing authority as 16264
respectively defined in divisions (A) and (C) of section 5705.01 16265
of the Revised Code, township park district, board of park 16266
commissioners established under Chapter 755. of the Revised Code, 16267
or park district established under Chapter 1545. of the Revised 16268
Code; to a wholly or partially tax-supported university, 16269
university branch, or college; or to the board of trustees of a 16270
school district library, upon such terms as are agreed upon. The 16271
sale of real or personal property to the board of trustees of a 16272
school district library is limited, in the case of real property, 16273
to a school district library within whose boundaries the real 16274
property is situated, or, in the case of personal property, to a 16275
school district library whose boundaries lie in whole or in part 16276
within the school district of the selling board of education. 16277

(D) When a board of education decides to trade as a part or 16278
an entire consideration, an item of personal property on the 16279
purchase price of an item of similar personal property, it may 16280
trade the same upon such terms as are agreed upon by the parties 16281
to the trade. 16282

(E) The president and the treasurer of the board of education 16283
shall execute and deliver deeds or other necessary instruments of 16284
conveyance to complete any sale or trade under this section. 16285

(F) When a board of education has identified a parcel of real 16286
property that it determines is needed for school purposes, the 16287
board may, upon a majority vote of the members of the board, 16288

acquire that property by exchanging real property that the board 16289
owns in its corporate capacity for the identified real property or 16290
by using real property that the board owns in its corporate 16291
capacity as part or an entire consideration for the purchase price 16292
of the identified real property. Any exchange or acquisition made 16293
pursuant to this division shall be made by a conveyance executed 16294
by the president and the treasurer of the board. 16295

~~(G)(1) When a school district board of education decides to 16296
dispose of real property suitable for use as classroom space, 16297
prior to disposing of that property under divisions (A) to (F) of 16298
this section, it shall first offer that property for sale to the 16299
governing authorities of the start-up community schools 16300
established under Chapter 3314. of the Revised Code located within 16301
the territory of the school district, at a price that is not 16302
higher than the appraised fair market value of that property. If 16303
more than one community school governing authority accepts the 16304
offer made by the school district board, the board shall sell the 16305
property to the governing authority that accepted the offer first 16306
in time. If no community school governing authority accepts the 16307
offer within sixty days after the offer is made by the school 16308
district board, the board may dispose of the property in the 16309
applicable manner prescribed under divisions (A) to (F) of this 16310
section. 16311~~

~~(2) When a school district board of education has not used 16312
real property suitable for classroom space for academic 16313
instruction, administration, storage, or any other educational 16314
purpose for one full school year and has not adopted a resolution 16315
outlining a plan for using that property for any of those purposes 16316
within the next three school years, it shall offer that property 16317
for sale to the governing authorities of the start-up community 16318
schools established under Chapter 3314. of the Revised Code 16319
located within the territory of the school district, at a price 16320~~

~~that is not higher than the appraised fair market value of that 16321
property. If more than one community school governing authority 16322
accepts the offer made by the school district board, the board 16323
shall sell the property to the governing authority that accepted 16324
the offer first in time. 16325~~

(H) When a school district board of education has property 16326
that the board, by resolution, finds is not needed for school 16327
district use, is obsolete, or is unfit for the use for which it 16328
was acquired, the board may donate that property in accordance 16329
with this division if the fair market value of the property is, in 16330
the opinion of the board, two thousand five hundred dollars or 16331
less. 16332

The property may be donated to an eligible nonprofit 16333
organization that is located in this state and is exempt from 16334
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 16335
Before donating any property under this division, the board shall 16336
adopt a resolution expressing its intent to make unneeded, 16337
obsolete, or unfit-for-use school district property available to 16338
these organizations. The resolution shall include guidelines and 16339
procedures the board considers to be necessary to implement the 16340
donation program and shall indicate whether the school district 16341
will conduct the donation program or the board will contract with 16342
a representative to conduct it. If a representative is known when 16343
the resolution is adopted, the resolution shall provide contact 16344
information such as the representative's name, address, and 16345
telephone number. 16346

The resolution shall include within its procedures a 16347
requirement that any nonprofit organization desiring to obtain 16348
donated property under this division shall submit a written notice 16349
to the board or its representative. The written notice shall 16350
include evidence that the organization is a nonprofit organization 16351
that is located in this state and is exempt from federal income 16352

taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 16353
the organization's primary purpose; a description of the type or 16354
types of property the organization needs; and the name, address, 16355
and telephone number of a person designated by the organization's 16356
governing board to receive donated property and to serve as its 16357
agent. 16358

After adoption of the resolution, the board shall publish, in 16359
a newspaper of general circulation in the school district, notice 16360
of its intent to donate unneeded, obsolete, or unfit-for-use 16361
school district property to eligible nonprofit organizations. The 16362
notice shall include a summary of the information provided in the 16363
resolution and shall be published at least twice. The second and 16364
any subsequent notice shall be published not less than ten nor 16365
more than twenty days after the previous notice. A similar notice 16366
also shall be posted continually in the board's office, and, if 16367
the school district maintains a web site on the internet, the 16368
notice shall be posted continually at that web site. 16369

The board or its representatives shall maintain a list of all 16370
nonprofit organizations that notify the board or its 16371
representative of their desire to obtain donated property under 16372
this division and that the board or its representative determines 16373
to be eligible, in accordance with the requirements set forth in 16374
this section and in the donation program's guidelines and 16375
procedures, to receive donated property. 16376

The board or its representative also shall maintain a list of 16377
all school district property the board finds to be unneeded, 16378
obsolete, or unfit for use and to be available for donation under 16379
this division. The list shall be posted continually in a 16380
conspicuous location in the board's office, and, if the school 16381
district maintains a web site on the internet, the list shall be 16382
posted continually at that web site. An item of property on the 16383
list shall be donated to the eligible nonprofit organization that 16384

first declares to the board or its representative its desire to 16385
obtain the item unless the board previously has established, by 16386
resolution, a list of eligible nonprofit organizations that shall 16387
be given priority with respect to the item's donation. Priority 16388
may be given on the basis that the purposes of a nonprofit 16389
organization have a direct relationship to specific school 16390
district purposes of programs provided or administered by the 16391
board. A resolution giving priority to certain nonprofit 16392
organizations with respect to the donation of an item of property 16393
shall specify the reasons why the organizations are given that 16394
priority. 16395

Members of the board shall consult with the Ohio ethics 16396
commission, and comply with Chapters 102. and 2921. of the Revised 16397
Code, with respect to any donation under this division to a 16398
nonprofit organization of which a board member, any member of a 16399
board member's family, or any business associate of a board member 16400
is a trustee, officer, board member, or employee. 16401

Sec. 3313.615. This section shall apply to diplomas awarded 16402
after September 15, 2006, to students who are required to take the 16403
five Ohio graduation tests prescribed by division (B) of section 16404
3301.0710 of the Revised Code. 16405

(A) As an alternative to the requirement that a person attain 16406
the scores designated under division (B) of section 3301.0710 of 16407
the Revised Code on all the tests required under that division in 16408
order to be eligible for a high school diploma or an honors 16409
diploma under sections 3313.61, 3313.612, or 3325.08 of the 16410
Revised Code or for a diploma of adult education under section 16411
3313.611 of the Revised Code, a person who has attained at least 16412
the applicable scores designated under division (B) of section 16413
3301.0710 of the Revised Code on all but one of the tests required 16414
by that division and from which the person was not excused or 16415

exempted, pursuant to division ~~(H) or~~ (L) of section 3313.61, 16416
division (B)(1) of section 3313.612, or section 3313.532 of the 16417
Revised Code, may be awarded a diploma or honors diploma if the 16418
person has satisfied all of the following conditions: 16419

(1) On the one test required under division (B) of section 16420
3301.0710 of the Revised Code for which the person failed to 16421
attain the designated score, the person missed that score by ten 16422
points or less; 16423

(2) Has a ninety-seven per cent school attendance rate in 16424
each of the last four school years, excluding any excused 16425
absences; 16426

(3) Has not been expelled from school under section 3313.66 16427
of the Revised Code in any of the last four school years; 16428

(4) Has a grade point average of at least 2.5 out of 4.0, or 16429
its equivalent as designated in rules adopted by the state board 16430
of education, in the subject area of the test required under 16431
division (B) of section 3301.0710 of the Revised Code for which 16432
the person failed to attain the designated score; 16433

(5) Has completed the high school curriculum requirements 16434
prescribed in section 3313.603 of the Revised Code or has 16435
qualified under division (D) or (F) of that section; 16436

(6) Has taken advantage of any intervention programs provided 16437
by the school district or school in the subject area described in 16438
division (A)(4) of this section and has a ninety-seven per cent 16439
attendance rate, excluding any excused absences, in any of those 16440
programs that are provided at times beyond the normal school day, 16441
school week, or school year or has received comparable 16442
intervention services from a source other than the school district 16443
or school; 16444

(7) Holds a letter recommending graduation from each of the 16445
person's high school teachers in the subject area described in 16446

division (A)(4) of this section and from the person's high school principal. 16447
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(B) The state board of education shall establish rules designating grade point averages equivalent to the average specified in division (A)(4) of this section for use by school districts and schools with different grading systems. 16449
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(C) Any student who is exempt from attaining the applicable score designated under division (B) of section 3301.0710 of the Revised Code on the Ohio graduation test in social studies pursuant to division (H) of section 3313.61 or division (B)(2) of section 3313.612 of the Revised Code shall not qualify for a high school diploma under this section, unless, notwithstanding the exemption, the student attains the applicable score on that test. If the student attains the applicable score on that test, the student may qualify for a diploma under this section in the same manner as any other student who is required to take the five Ohio graduation tests prescribed by division (B) of section 3301.0710 of the Revised Code. 16453
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Sec. 3313.646. (A) The board of education of a school district, except a cooperative education district established pursuant to section 3311.521 of the Revised Code, may establish and operate a preschool program ~~except that no such program shall be established after March 17, 1989, unless both of the following apply at the time the program is established:~~ 16465
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~~(1) The, provided the board has demonstrated a need for the program-~~ 16471
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~~(2) Unless it is a cooperative education district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code, the school district is eligible for moneys distributed by the department of education pursuant to section 3317.029 of the Revised Code. A board may use school funds in support of preschool~~ 16473
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programs. The board shall maintain, operate, and admit children to 16478
any such program pursuant to rules adopted by such board and the 16479
rules of the state board of education adopted under sections 16480
3301.52 to 3301.57 of the Revised Code. 16481

A board of education may establish fees or tuition, which may 16482
be graduated in proportion to family income, for participation in 16483
a preschool program. In cases where payment of fees or tuition 16484
would create a hardship for the child's parent or guardian, the 16485
board may waive any such fees or tuition. 16486

(B) No board of education that is not receiving funds under 16487
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 16488
March 17, 1989, shall compete for funds under the "Head Start Act" 16489
with any grantee receiving funds under that act. 16490

(C) A board of education may contract with any of the 16491
following preschool providers to provide preschool programs, other 16492
than programs for units described by divisions (B) and (C) of 16493
section 3317.05 of the Revised Code, for children of the school 16494
district: 16495

(1) Any organization receiving funds under the "Head Start 16496
Act"; 16497

(2) Any nonsectarian eligible nonpublic school as defined in 16498
division (H) of section 3301.52 of the Revised Code; 16499

(3) Any child care provider licensed under Chapter 5104. of 16500
the Revised Code. 16501

Boards may contract to provide preschool programs only with 16502
such organizations whose staff meet the requirements of rules 16503
adopted under section 3301.53 of the Revised Code or those of the 16504
child development associate credential established by the national 16505
association for the education of young children. 16506

(D) A contract entered into under division (C) of this 16507

section may provide for the board of education to lease school facilities to the preschool provider or to furnish transportation, utilities, or staff for the preschool program.

(E) The treasurer of any board of education operating a preschool program pursuant to this section shall keep an account of all funds used to operate the program in the same manner as ~~he~~ the treasurer would any other funds of the district pursuant to this chapter.

Sec. 3313.66. (A) Except as provided under division (B)(2) of this section, the superintendent of schools of a city, exempted village, or local school district, or the principal of a public school may suspend a pupil from school for not more than ten school days. The board of education of a city, exempted village, or local school district may adopt a policy granting assistant principals and other administrators the authority to suspend a pupil from school for a period of time as specified in the policy of the board of education, not to exceed ten school days. If at the time a suspension is imposed there are fewer than ten school days remaining in the school year in which the incident that gives rise to the suspension takes place, the superintendent may apply any remaining part or all of the period of the suspension to the following school year. Except in the case of a pupil given an in-school suspension, no pupil shall be suspended unless prior to the suspension such superintendent or principal does both of the following:

(1) Gives the pupil written notice of the intention to suspend the pupil and the reasons for the intended suspension and, if the proposed suspension is based on a violation listed in division (A) of section 3313.662 of the Revised Code and if the pupil is sixteen years of age or older, includes in the notice a statement that the superintendent may seek to permanently exclude

the pupil if the pupil is convicted of or adjudicated a delinquent child for that violation;

(2) Provides the pupil an opportunity to appear at an informal hearing before the principal, assistant principal, superintendent, or superintendent's designee and challenge the reason for the intended suspension or otherwise to explain the pupil's actions.

(B)(1) Except as provided under division (B)(2), (3), or (4) of this section, the superintendent of schools of a city, exempted village, or local school district may expel a pupil from school for a period not to exceed the greater of eighty school days or the number of school days remaining in the semester or term in which the incident that gives rise to the expulsion takes place, unless the expulsion is extended pursuant to division (F) of this section. If at the time an expulsion is imposed there are fewer than eighty school days remaining in the school year in which the incident that gives rise to the expulsion takes place, the superintendent may apply any remaining part or all of the period of the expulsion to the following school year.

(2)(a) Unless a pupil is permanently excluded pursuant to section 3313.662 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district shall expel a pupil from school for a period of one year for bringing a firearm to a school operated by the board of education of the district or onto any other property owned or controlled by the board, except that the superintendent may reduce this requirement on a case-by-case basis in accordance with the policy adopted by the board under section 3313.661 of the Revised Code.

(b) The superintendent of schools of a city, exempted village, or local school district may expel a pupil from school for a period of one year for bringing a firearm to an interscholastic competition, an extracurricular event, or any

other school program or activity that is not located in a school 16571
or on property that is owned or controlled by the district. The 16572
superintendent may reduce this disciplinary action on a 16573
case-by-case basis in accordance with the policy adopted by the 16574
board under section 3313.661 of the Revised Code. 16575

(c) Any expulsion pursuant to division (B)(2) of this section 16576
shall extend, as necessary, into the school year following the 16577
school year in which the incident that gives rise to the expulsion 16578
takes place. As used in this division, "firearm" has the same 16579
meaning as provided pursuant to the "Gun-Free Schools Act of 16580
1994," ~~108~~ 115 Stat. ~~270~~ 1762, 20 U.S.C. ~~8001(a)(2)~~ 7151. 16581

(3) The board of education of a city, exempted village, or 16582
local school district may adopt a resolution authorizing the 16583
superintendent of schools to expel a pupil from school for a 16584
period not to exceed one year for bringing a knife to a school 16585
operated by the board, onto any other property owned or controlled 16586
by the board, or to an interscholastic competition, an 16587
extracurricular event, or any other program or activity sponsored 16588
by the school district or in which the district is a participant, 16589
or for possessing a firearm or knife at a school, on any other 16590
property owned or controlled by the board, or at an 16591
interscholastic competition, an extracurricular event, or any 16592
other school program or activity, which firearm or knife was 16593
initially brought onto school board property by another person. 16594
The resolution may authorize the superintendent to extend such an 16595
expulsion, as necessary, into the school year following the school 16596
year in which the incident that gives rise to the expulsion takes 16597
place. 16598

(4) The board of education of a city, exempted village, or 16599
local school district may adopt a resolution establishing a policy 16600
under section 3313.661 of the Revised Code that authorizes the 16601
superintendent of schools to expel a pupil from school for a 16602

period not to exceed one year for committing an act that is a 16603
criminal offense when committed by an adult and that results in 16604
serious physical harm to persons as defined in division (A)(5) of 16605
section 2901.01 of the Revised Code or serious physical harm to 16606
property as defined in division (A)(6) of section 2901.01 of the 16607
Revised Code while the pupil is at school, on any other property 16608
owned or controlled by the board, or at an interscholastic 16609
competition, an extracurricular event, or any other school program 16610
or activity. Any expulsion under this division shall extend, as 16611
necessary, into the school year following the school year in which 16612
the incident that gives rise to the expulsion takes place. 16613

(5) The board of education of any city, exempted village, or 16614
local school district may adopt a resolution establishing a policy 16615
under section 3313.661 of the Revised Code that authorizes the 16616
superintendent of schools to expel a pupil from school for a 16617
period not to exceed one year for making a bomb threat to a school 16618
building or to any premises at which a school activity is 16619
occurring at the time of the threat. Any expulsion under this 16620
division shall extend, as necessary, into the school year 16621
following the school year in which the incident that gives rise to 16622
the expulsion takes place. 16623

(6) No pupil shall be expelled under division (B)(1), (2), 16624
(3), (4), or (5) of this section unless, prior to the pupil's 16625
expulsion, the superintendent does both of the following: 16626

(a) Gives the pupil and the pupil's parent, guardian, or 16627
custodian written notice of the intention to expel the pupil; 16628

(b) Provides the pupil and the pupil's parent, guardian, 16629
custodian, or representative an opportunity to appear in person 16630
before the superintendent or the superintendent's designee to 16631
challenge the reasons for the intended expulsion or otherwise to 16632
explain the pupil's actions. 16633

The notice required in this division shall include the reasons for the intended expulsion, notification of the opportunity of the pupil and the pupil's parent, guardian, custodian, or representative to appear before the superintendent or the superintendent's designee to challenge the reasons for the intended expulsion or otherwise to explain the pupil's action, and notification of the time and place to appear. The time to appear shall not be earlier than three nor later than five school days after the notice is given, unless the superintendent grants an extension of time at the request of the pupil or the pupil's parent, guardian, custodian, or representative. If an extension is granted after giving the original notice, the superintendent shall notify the pupil and the pupil's parent, guardian, custodian, or representative of the new time and place to appear. If the proposed expulsion is based on a violation listed in division (A) of section 3313.662 of the Revised Code and if the pupil is sixteen years of age or older, the notice shall include a statement that the superintendent may seek to permanently exclude the pupil if the pupil is convicted of or adjudicated a delinquent child for that violation.

(7) A superintendent of schools of a city, exempted village, or local school district shall initiate expulsion proceedings pursuant to this section with respect to any pupil who has committed an act warranting expulsion under the district's policy regarding expulsion even if the pupil has withdrawn from school for any reason after the incident that gives rise to the hearing but prior to the hearing or decision to impose the expulsion. If, following the hearing, the pupil would have been expelled for a period of time had the pupil still been enrolled in the school, the expulsion shall be imposed for the same length of time as on a pupil who has not withdrawn from the school.

(C) If a pupil's presence poses a continuing danger to

persons or property or an ongoing threat of disrupting the 16666
academic process taking place either within a classroom or 16667
elsewhere on the school premises, the superintendent or a 16668
principal or assistant principal may remove a pupil from 16669
curricular activities or from the school premises, and a teacher 16670
may remove a pupil from curricular activities under the teacher's 16671
supervision, without the notice and hearing requirements of 16672
division (A) or (B) of this section. As soon as practicable after 16673
making such a removal, the teacher shall submit in writing to the 16674
principal the reasons for such removal. 16675

If a pupil is removed under this division from a curricular 16676
activity or from the school premises, written notice of the 16677
hearing and of the reason for the removal shall be given to the 16678
pupil as soon as practicable prior to the hearing, which shall be 16679
held within three school days from the time the initial removal is 16680
ordered. The hearing shall be held in accordance with division (A) 16681
of this section unless it is probable that the pupil may be 16682
subject to expulsion, in which case a hearing in accordance with 16683
division (B) of this section shall be held, except that the 16684
hearing shall be held within three school days of the initial 16685
removal. The individual who ordered, caused, or requested the 16686
removal to be made shall be present at the hearing. 16687

If the superintendent or the principal reinstates a pupil in 16688
a curricular activity under the teacher's supervision prior to the 16689
hearing following a removal under this division, the teacher, upon 16690
request, shall be given in writing the reasons for such 16691
reinstatement. 16692

(D) The superintendent or principal, within one school day 16693
after the time of a pupil's expulsion or suspension, shall notify 16694
in writing the parent, guardian, or custodian of the pupil and the 16695
treasurer of the board of education of the expulsion or 16696
suspension. The notice shall include the reasons for the expulsion 16697

or suspension, notification of the right of the pupil or the 16698
pupil's parent, guardian, or custodian to appeal the expulsion or 16699
suspension to the board of education or to its designee, to be 16700
represented in all appeal proceedings, to be granted a hearing 16701
before the board or its designee in order to be heard against the 16702
suspension or expulsion, and to request that the hearing be held 16703
in executive session, notification that the expulsion may be 16704
subject to extension pursuant to division (F) of this section if 16705
the pupil is sixteen years of age or older, and notification that 16706
the superintendent may seek the pupil's permanent exclusion if the 16707
suspension or expulsion was based on a violation listed in 16708
division (A) of section 3313.662 of the Revised Code that was 16709
committed when the child was sixteen years of age or older and if 16710
the pupil is convicted of or adjudicated a delinquent child for 16711
that violation. 16712

In accordance with the policy adopted by the board of 16713
education under section 3313.661 of the Revised Code, the notice 16714
provided under this division shall specify the manner and date by 16715
which the pupil or the pupil's parent, guardian, or custodian 16716
shall notify the board of the pupil's, parent's, guardian's, or 16717
custodian's intent to appeal the expulsion or suspension to the 16718
board or its designee. 16719

Any superintendent expelling a pupil under this section for 16720
more than twenty school days or for any period of time if the 16721
expulsion will extend into the following semester or school year 16722
shall, in the notice required under this division, provide the 16723
pupil and the pupil's parent, guardian, or custodian with 16724
information about services or programs offered by public and 16725
private agencies that work toward improving those aspects of the 16726
pupil's attitudes and behavior that contributed to the incident 16727
that gave rise to the pupil's expulsion. The information shall 16728
include the names, addresses, and phone numbers of the appropriate 16729

public and private agencies. 16730

(E) A pupil or the pupil's parent, guardian, or custodian may 16731
appeal the pupil's expulsion by a superintendent or suspension by 16732
a superintendent, principal, assistant principal, or other 16733
administrator to the board of education or to its designee. If the 16734
pupil or the pupil's parent, guardian, or custodian intends to 16735
appeal the expulsion or suspension to the board or its designee, 16736
the pupil or the pupil's parent, guardian, or custodian shall 16737
notify the board in the manner and by the date specified in the 16738
notice provided under division (D) of this section. The pupil or 16739
the pupil's parent, guardian, or custodian may be represented in 16740
all appeal proceedings and shall be granted a hearing before the 16741
board or its designee in order to be heard against the suspension 16742
or expulsion. At the request of the pupil or of the pupil's 16743
parent, guardian, custodian, or attorney, the board or its 16744
designee may hold the hearing in executive session but shall act 16745
upon the suspension or expulsion only at a public meeting. The 16746
board, by a majority vote of its full membership or by the action 16747
of its designee, may affirm the order of suspension or expulsion, 16748
reinstate the pupil, or otherwise reverse, vacate, or modify the 16749
order of suspension or expulsion. 16750

The board or its designee shall make a verbatim record of 16751
hearings held under this division. The decisions of the board or 16752
its designee may be appealed under Chapter 2506. of the Revised 16753
Code. 16754

This section shall not be construed to require notice and 16755
hearing in accordance with division (A), (B), or (C) of this 16756
section in the case of normal disciplinary procedures in which a 16757
pupil is removed from a curricular activity for a period of less 16758
than one school day and is not subject to suspension or expulsion. 16759

(F)(1) If a pupil is expelled pursuant to division (B) of 16760
this section for committing any violation listed in division (A) 16761

of section 3313.662 of the Revised Code and the pupil was sixteen 16762
years of age or older at the time of committing the violation, if 16763
a complaint, indictment, or information is filed alleging that the 16764
pupil is a delinquent child based upon the commission of the 16765
violation or the pupil is prosecuted as an adult for the 16766
commission of the violation, and if the resultant juvenile court 16767
or criminal proceeding is pending at the time that the expulsion 16768
terminates, the superintendent of schools that expelled the pupil 16769
may file a motion with the court in which the proceeding is 16770
pending requesting an order extending the expulsion for the lesser 16771
of an additional eighty days or the number of school days 16772
remaining in the school year. Upon the filing of the motion, the 16773
court immediately shall schedule a hearing and give written notice 16774
of the time, date, and location of the hearing to the 16775
superintendent and to the pupil and the pupil's parent, guardian, 16776
or custodian. At the hearing, the court shall determine whether 16777
there is reasonable cause to believe that the pupil committed the 16778
alleged violation that is the basis of the expulsion and, upon 16779
determining that reasonable cause to believe the pupil committed 16780
the violation does exist, shall grant the requested extension. 16781

(2) If a pupil has been convicted of or adjudicated a 16782
delinquent child for a violation listed in division (A) of section 16783
3313.662 of the Revised Code for an act that was committed when 16784
the child was sixteen years of age or older, if the pupil has been 16785
expelled pursuant to division (B) of this section for that 16786
violation, and if the board of education of the school district of 16787
the school from which the pupil was expelled has adopted a 16788
resolution seeking the pupil's permanent exclusion, the 16789
superintendent may file a motion with the court that convicted the 16790
pupil or adjudicated the pupil a delinquent child requesting an 16791
order to extend the expulsion until an adjudication order or other 16792
determination regarding permanent exclusion is issued by the 16793
superintendent of public instruction pursuant to section 3301.121 16794

and division (D) of section 3313.662 of the Revised Code. Upon the filing of the motion, the court immediately shall schedule a hearing and give written notice of the time, date, and location of the hearing to the superintendent of the school district, the pupil, and the pupil's parent, guardian, or custodian. At the hearing, the court shall determine whether there is reasonable cause to believe the pupil's continued attendance in the public school system may endanger the health and safety of other pupils or school employees and, upon making that determination, shall grant the requested extension.

(G) The failure of the superintendent or the board of education to provide the information regarding the possibility of permanent exclusion in the notice required by divisions (A), (B), and (D) of this section is not jurisdictional, and the failure shall not affect the validity of any suspension or expulsion procedure that is conducted in accordance with this section or the validity of a permanent exclusion procedure that is conducted in accordance with sections 3301.121 and 3313.662 of the Revised Code.

(H) With regard to suspensions and expulsions pursuant to divisions (A) and (B) of this section by the board of education of any city, exempted village, or local school district, this section shall apply to any student, whether or not the student is enrolled in the district, attending or otherwise participating in any curricular program provided in a school operated by the board or provided on any other property owned or controlled by the board.

(I) Whenever a student is expelled under this section, the expulsion shall result in removal of the student from the student's regular school setting. However, during the period of the expulsion, the board of education of the school district that expelled the student or any board of education admitting the student during that expulsion period may provide educational

services to the student in an alternative setting. 16827

(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 16828
and 3313.65 of the Revised Code, any school district, after 16829
offering an opportunity for a hearing, may temporarily deny 16830
admittance to any pupil if one of the following applies: 16831

(a) The pupil has been suspended from the schools of another 16832
district under division (A) of this section and the period of 16833
suspension, as established under that division, has not expired; 16834

(b) The pupil has been expelled from the schools of another 16835
district under division (B) of this section and the period of the 16836
expulsion, as established under that division or as extended under 16837
division (F) of this section, has not expired. 16838

If a pupil is temporarily denied admission under this 16839
division, the pupil shall be admitted to school in accordance with 16840
sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised 16841
Code no later than upon expiration of the suspension or expulsion 16842
period, as applicable. 16843

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 16844
3313.65 of the Revised Code, any school district, after offering 16845
an opportunity for a hearing, may temporarily deny admittance to 16846
any pupil if the pupil has been expelled or otherwise removed for 16847
disciplinary purposes from a public school in another state and 16848
the period of expulsion or removal has not expired. If a pupil is 16849
temporarily denied admission under this division, the pupil shall 16850
be admitted to school in accordance with sections 3109.51 to 16851
3109.80, 3313.64, or 3313.65 of the Revised Code no later than the 16852
earlier of the following: 16853

(a) Upon expiration of the expulsion or removal period 16854
imposed by the out-of-state school; 16855

(b) Upon expiration of a period established by the district, 16856
beginning with the date of expulsion or removal from the 16857

out-of-state school, that is no greater than the period of 16858
expulsion that the pupil would have received under the policy 16859
adopted by the district under section 3313.661 of the Revised Code 16860
had the offense that gave rise to the expulsion or removal by the 16861
out-of-state school been committed while the pupil was enrolled in 16862
the district. 16863

(K) As used in this section: 16864

(1) "Permanently exclude" and "permanent exclusion" have the 16865
same meanings as in section 3313.662 of the Revised Code. 16866

(2) "In-school suspension" means the pupil will serve all of 16867
the suspension in a school setting. 16868

Sec. 3313.661. (A) The board of education of each city, 16869
exempted village, and local school district shall adopt a policy 16870
regarding suspension, expulsion, removal, and permanent exclusion 16871
that specifies the types of misconduct for which a pupil may be 16872
suspended, expelled, or removed. The types of misconduct may 16873
include misconduct by a pupil that occurs off of property owned or 16874
controlled by the district but that is connected to activities or 16875
incidents that have occurred on property owned or controlled by 16876
that district and misconduct by a pupil that, regardless of where 16877
it occurs, is directed at a district official or employee, or the 16878
property of such official or employee. The policy shall specify 16879
the reasons for which the superintendent of the district may 16880
reduce the expulsion requirement in division (B)(2) of section 16881
3313.66 of the Revised Code. If a board of education adopts a 16882
resolution pursuant to division (B)(3) of section 3313.66 of the 16883
Revised Code, the policy shall define the term "knife" or 16884
"firearm," as applicable, for purposes of expulsion under that 16885
resolution and shall specify any reasons for which the 16886
superintendent of the district may reduce any required expulsion 16887
period on a case-by-case basis. If a board of education adopts a 16888

resolution pursuant to division (B)(4) or (5) of section 3313.66 16889
of the Revised Code, the policy shall specify any reasons for 16890
which the superintendent of the district may reduce any required 16891
expulsion period on a case-by-case basis. The policy also shall 16892
set forth the acts listed in section 3313.662 of the Revised Code 16893
for which a pupil may be permanently excluded. 16894

The policy adopted under this division shall specify the date 16895
and manner by which a pupil or a pupil's parent, guardian, or 16896
custodian may notify the board of the pupil's, parent's, 16897
guardian's, or custodian's intent to appeal an expulsion or 16898
suspension to the board or its designee pursuant to division (E) 16899
of section 3313.66 of the Revised Code. In the case of any 16900
expulsion, the policy shall not specify a date that is less than 16901
fourteen days after the date of the notice provided to the pupil 16902
or the pupil's parent, guardian, or custodian under division (D) 16903
of that section. 16904

A copy of the policy shall be posted in a central location in 16905
the school and made available to pupils upon request. No pupil 16906
shall be suspended, expelled, or removed except in accordance with 16907
the policy adopted by the board of education of the school 16908
district in which the pupil attends school, and no pupil shall be 16909
permanently excluded except in accordance with sections 3301.121 16910
and 3313.662 of the Revised Code. 16911

(B) A board of education may establish a program and adopt 16912
guidelines under which a superintendent may require a pupil to 16913
perform community service in conjunction with a suspension or 16914
expulsion imposed under section 3313.66 of the Revised Code or in 16915
place of a suspension or expulsion imposed under section 3313.66 16916
of the Revised Code except for an expulsion imposed pursuant to 16917
division (B)(2) of that section. If a board adopts guidelines 16918
under this division, they shall permit, except with regard to an 16919
expulsion pursuant to division (B)(2) of section 3313.66 of the 16920

Revised Code, a superintendent to impose a community service 16921
requirement beyond the end of the school year in lieu of applying 16922
the suspension or expulsion into the following school year. Any 16923
guidelines adopted shall be included in the policy adopted under 16924
this section. 16925

(C) The written policy of each board of education that is 16926
adopted pursuant to section 3313.20 of the Revised Code shall be 16927
posted in a central location in each school that is subject to the 16928
policy and shall be made available to pupils upon request. 16929

(D) Any policy, program, or guideline adopted by a board of 16930
education under this section with regard to suspensions or 16931
expulsions pursuant to division (A) or (B) of section 3313.66 of 16932
the Revised Code shall apply to any student, whether or not the 16933
student is enrolled in the district, attending or otherwise 16934
participating in any curricular program provided in a school 16935
operated by the board or provided on any other property owned or 16936
controlled by the board. 16937

(E) As used in this section, "permanently exclude" and 16938
"permanent exclusion" have the same meanings as in section 16939
3313.662 of the Revised Code. 16940

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 16941
and division (D) of section 3311.52 of the Revised Code, the 16942
provisions of this section and sections 3313.981 to 3313.983 of 16943
the Revised Code that apply to a city school district do not apply 16944
to a joint vocational or cooperative education school district 16945
unless expressly specified. 16946

(A) As used in this section and sections 3313.981 to 3313.983 16947
of the Revised Code: 16948

(1) "Parent" means either of the natural or adoptive parents 16949
of a student, except under the following conditions: 16950

(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.

(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child.

(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.

(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.

(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.

(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.

(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls.

- (6) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 16982
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- (7) "Adjusted formula amount" means the ~~greater of the following:~~ 16984
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- ~~(a) The fiscal year 2005 formula amount multiplied by the fiscal year 2005 cost of doing business factor for a district defined in the version of section 3317.02 of the Revised Code in effect that year;~~ 16986
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- ~~(b) The sum of (the current formula amount times the current cost of doing business factor as defined in section 3317.02 of the Revised Code)~~ plus the per pupil amount of the base funding 16990
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supplements specified in divisions (C)(1) to (4) of section 16993
3317.012 of the Revised Code. 16994
- (8) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the director of the office of community services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 16995
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- (9) "IEP" means an individualized education program defined by division (E) of section 3323.01 of the Revised Code. 17000
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- (10) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section. 17002
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- (11) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district. 17005
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- (12) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for 17008
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which that student is a native student in accordance with a policy 17012
adopted under section 3313.983 of the Revised Code. 17013

(B)(1) The board of education of each city, local, and 17014
exempted village school district shall adopt a resolution 17015
establishing for the school district one of the following 17016
policies: 17017

(a) A policy that entirely prohibits the enrollment of 17018
students from adjacent districts or other districts, other than 17019
students for whom tuition is paid in accordance with section 17020
3317.08 of the Revised Code; 17021

(b) A policy that permits enrollment of students from all 17022
adjacent districts in accordance with policy statements contained 17023
in the resolution; 17024

(c) A policy that permits enrollment of students from all 17025
other districts in accordance with policy statements contained in 17026
the resolution. 17027

(2) A policy permitting enrollment of students from adjacent 17028
or from other districts, as applicable, shall provide for all of 17029
the following: 17030

(a) Application procedures, including deadlines for 17031
application and for notification of students and the 17032
superintendent of the applicable district whenever an adjacent or 17033
other district student's application is approved. 17034

(b) Procedures for admitting adjacent or other district 17035
applicants free of any tuition obligation to the district's 17036
schools, including, but not limited to: 17037

(i) The establishment of district capacity limits by grade 17038
level, school building, and education program; 17039

(ii) A requirement that all native students wishing to be 17040
enrolled in the district will be enrolled and that any adjacent or 17041

other district students previously enrolled in the district shall 17042
receive preference over first-time applicants; 17043

(iii) Procedures to ensure that an appropriate racial balance 17044
is maintained in the district schools. 17045

(C) Except as provided in section 3313.982 of the Revised 17046
Code, the procedures for admitting adjacent or other district 17047
students, as applicable, shall not include: 17048

(1) Any requirement of academic ability, or any level of 17049
athletic, artistic, or other extracurricular skills; 17050

(2) Limitations on admitting applicants because of 17051
handicapping conditions, except that a board may refuse to admit a 17052
student receiving services under Chapter 3323. of the Revised 17053
Code, if the services described in the student's IEP are not 17054
available in the district's schools; 17055

(3) A requirement that the student be proficient in the 17056
English language; 17057

(4) Rejection of any applicant because the student has been 17058
subject to disciplinary proceedings, except that if an applicant 17059
has been suspended or expelled by the student's district for ten 17060
consecutive days or more in the term for which admission is sought 17061
or in the term immediately preceding the term for which admission 17062
is sought, the procedures may include a provision denying 17063
admission of such applicant. 17064

(D)(1) Each school board permitting only enrollment of 17065
adjacent district students shall provide information about the 17066
policy adopted under this section, including the application 17067
procedures and deadlines, to the superintendent and the board of 17068
education of each adjacent district and, upon request, to the 17069
parent of any adjacent district student. 17070

(2) Each school board permitting enrollment of other district 17071

students shall provide information about the policy adopted under 17072
this section, including the application procedures and deadlines, 17073
upon request, to the board of education of any other school 17074
district or to the parent of any student anywhere in the state. 17075

(E) Any school board shall accept all credits toward 17076
graduation earned in adjacent or other district schools by an 17077
adjacent or other district student or a native student. 17078

(F)(1) No board of education may adopt a policy discouraging 17079
or prohibiting its native students from applying to enroll in the 17080
schools of an adjacent or any other district that has adopted a 17081
policy permitting such enrollment, except that: 17082

(a) A district may object to the enrollment of a native 17083
student in an adjacent or other district in order to maintain an 17084
appropriate racial balance. 17085

(b) The board of education of a district receiving funds 17086
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 17087
may adopt a resolution objecting to the enrollment of its native 17088
students in adjacent or other districts if at least ten per cent 17089
of its students are included in the determination of the United 17090
States secretary of education made under section 20 U.S.C.A. 17091
238(a). 17092

(2) If a board objects to enrollment of native students under 17093
this division, any adjacent or other district shall refuse to 17094
enroll such native students unless tuition is paid for the 17095
students in accordance with section 3317.08 of the Revised Code. 17096
An adjacent or other district enrolling such students may not 17097
receive funding for those students in accordance with section 17098
3313.981 of the Revised Code. 17099

(G) The state board of education shall monitor school 17100
districts to ensure compliance with this section and the 17101
districts' policies. The board may adopt rules requiring uniform 17102

application procedures, deadlines for application, notification 17103
procedures, and record-keeping requirements for all school boards 17104
that adopt policies permitting the enrollment of adjacent or other 17105
district students, as applicable. If the state board adopts such 17106
rules, no school board shall adopt a policy that conflicts with 17107
those rules. 17108

(H) A resolution adopted by a board of education under this 17109
section that entirely prohibits the enrollment of students from 17110
adjacent and from other school districts does not abrogate any 17111
agreement entered into under section 3313.841 or 3313.92 of the 17112
Revised Code or any contract entered into under section 3313.90 of 17113
the Revised Code between the board of education adopting the 17114
resolution and the board of education of any adjacent or other 17115
district or prohibit these boards of education from entering into 17116
any such agreement or contract. 17117

(I) Nothing in this section shall be construed to permit or 17118
require the board of education of a city, exempted village, or 17119
local school district to exclude any native student of the 17120
district from enrolling in the district. 17121

Sec. 3314.013. (A)(1) ~~Until July 1, 2000, no more than 17122
seventy five contracts between start up schools and the state 17123
board of education may be in effect outside the pilot project area 17124
at any time under this chapter. 17125~~

~~(2) After July 1, 2000, and until July 1, 2001, no more than 17126
one hundred twenty five contracts between start up schools and the 17127
state board of education may be in effect outside the pilot 17128
project area at any time under this chapter. 17129~~

~~(3) This division applies only to contracts between start up 17130
schools and the state board of education and contracts between 17131
start up schools and entities described in divisions (C)(1)(b) to 17132
(f) of section 3314.02 of the Revised Code. 17133~~

~~Until July 1, 2005, not more than two hundred twenty five contracts to which this division applies may be in effect at any time under this chapter.~~

~~(4) This division applies only to contracts between start-up schools and entities described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code.~~

~~Except as otherwise provided in section 3314.014 of the Revised Code, after July 1, 2005, and until July 1, 2007, the number of contracts to which this division applies in effect at any time under this chapter shall be not more than thirty plus the number of such contracts with schools that were open for operation as of May 1, 2005.~~

~~(5) This division applies only to contracts between a conversion school that is an internet- or computer-based community school or a start-up school and the board of education of the school district in which the school is or is proposed to be located.~~

~~Except as otherwise provided in section 3314.014 of the Revised Code, until July 1, 2007, the number of contracts to which this division applies in effect at any time under this chapter shall be not more than thirty plus the number of such contracts with schools that were open for operation as of May 1, 2005.~~

~~(6) Division (A)(1) of this section applies only to community schools that are not internet- or computer-base community schools.~~

~~Until July 1, 2009, no start-up or conversion community school subject to this division shall operate unless the school was open for instruction as of May 1, 2007. No entity described in division (C)(1) of section 3314.02 of the Revised Code shall enter into a contract to sponsor a community school subject to this division between May 1, 2007, and July 1, 2009, except that an entity may renew a contract that the entity entered into with a~~

community school subject to this division prior to May 1, 2007, if 17165
the school was open for operation as of that date. 17166

If a sponsor entered into a contract with a community school 17167
subject to this division but the school was not open for operation 17168
as of May 1, 2007, the contract shall be void and the entity shall 17169
not enter into another contract with the school until July 1, 17170
2009. 17171

(2) Until the effective date of any standards enacted by the 17172
general assembly governing the operation of internet- or 17173
computer-based community schools, no internet- or computer-based 17174
community school shall operate unless the school was open for 17175
instruction as of May 1, 2005. No entity described in division 17176
(C)(1) of section 3314.02 of the Revised Code shall enter into a 17177
contract to sponsor an internet- or computer-based community 17178
school, including a conversion school, between May 1, 2005, and 17179
the effective date of any standards enacted by the general 17180
assembly governing the operation of internet- or computer-based 17181
community schools, except as follows: 17182

~~(a) Any that an entity described in division (C)(1) of that~~ 17183
~~section may renew a contract that the entity entered into with an~~ 17184
~~internet- or computer-based community school prior to May 1, 2005,~~ 17185
~~if the school was open for operation as of that date.~~ 17186

~~(b) Any entity described in divisions (C)(1)(a) to (e) of~~ 17187
~~that section may assume sponsorship of an existing internet- or~~ 17188
~~computer-based community school that was formerly sponsored by~~ 17189
~~another entity and may enter into a contract with that community~~ 17190
~~school in accordance with section 3314.03 of the Revised Code.~~ 17191

~~(c) Any entity described in division (C)(1)(f) of that~~ 17192
~~section may assume sponsorship of an existing internet- or~~ 17193
~~computer-based community school in accordance with division (A)(7)~~ 17194
~~of this section and may enter into a contract with that community~~ 17195

~~school in accordance with section 3314.03 of the Revised Code.~~ 17196

If a sponsor entered into a contract with an internet- or 17197
computer-based community school, including a conversion school, 17198
but the school was not open for operation as of May 1, 2005, the 17199
contract shall be void and the entity shall not enter into another 17200
contract with the school until the effective date of any standards 17201
enacted by the general assembly governing the operation of 17202
internet- or computer-based community schools. 17203

~~(7) Until July 1, 2005, any entity described in division 17204
(C)(1)(f) of section 3314.02 of the Revised Code may sponsor only 17205
a community school that formerly was sponsored by the state board 17206
of education under division (C)(1)(d) of that section, as it 17207
existed prior to April 8, 2003. After July 1, 2005, any such 17208
entity may assume sponsorship of any existing community school, 17209
and may sponsor any new community school that is not an internet- 17210
or computer based community school. Beginning on the effective 17211
date of any standards enacted by the general assembly governing 17212
the operation of internet or computer based community schools, 17213
any such entity may sponsor a new internet or computer based 17214
community school.~~ 17215

~~(8)(3) Nothing in division (A) of this section prohibits a 17216
community school from increasing the number of grade levels it 17217
offers.~~ 17218

(B) Within twenty-four hours of a request by any person, the 17219
superintendent of public instruction shall indicate the number of 17220
preliminary agreements for start-up schools currently outstanding 17221
and the number of contracts for these schools in effect at the 17222
time of the request. 17223

~~(C) It is the intent of the general assembly to consider 17224
whether to provide limitations on the number of start up community 17225
schools after July 1, 2001, following its examination of the 17226~~

~~results of the studies by the legislative office of education 17227~~
~~oversight required under Section 50.39 of Am. Sub. H.B. No. 215 of 17228~~
~~the 122nd general assembly and Section 50.52.2 of Am. Sub. H.B. 17229~~
~~No. 215 of the 122nd general assembly, as amended by Am. Sub. H.B. 17230~~
~~No. 770 of the 122nd general assembly. 17231~~

Sec. 3314.014. ~~(A)~~ As used in this chapter, "operator" means 17232
either of the following: 17233

~~(1) An individual or organization~~ (A) A nonprofit entity that 17234
manages the daily operations of a community school pursuant to a 17235
contract between the operator and the school's governing 17236
authority; 17237

~~(2)(B)~~ (B) A nonprofit organization that provides programmatic 17238
oversight and support to a community school under a contract with 17239
the school's governing authority and that retains the right to 17240
terminate its affiliation with the school if the school fails to 17241
meet the organization's quality standards. 17242

~~(B)(1) Notwithstanding the limit prescribed by division 17243~~
~~(A)(4) of section 3314.013 of the Revised Code, a start up school 17244~~
~~sponsored by an entity described in divisions (C)(1)(b) to (f) of 17245~~
~~section 3314.02 of the Revised Code may be established after the 17246~~
~~date that limit is reached, provided the school's governing 17247~~
~~authority enters into a contract with an operator permitted to 17248~~
~~manage the school under division (C) of this section. 17249~~

~~(2) Notwithstanding the limit prescribed by division (A)(5) 17250~~
~~of section 3314.013 of the Revised Code, a conversion school that 17251~~
~~is an internet or computer based community school or a start up 17252~~
~~school sponsored by the school district in which the school is or 17253~~
~~is proposed to be located may be established after the date that 17254~~
~~limit is reached, provided the school's governing authority enters 17255~~
~~into a contract with an operator permitted to manage the school 17256~~
~~under division (C) of this section. However, a conversion school 17257~~

~~that is an internet or computer based community school may be established after that date only if the prohibition prescribed by division (A)(6) of section 3314.013 of the Revised Code is no longer in effect.~~

~~(C) An operator may enter into contracts with the governing authorities of community schools established after the date the limit prescribed by division (A)(4) or (5) of section 3314.013 of the Revised Code, as applicable, is reached, provided the total number of schools for which the operator enters into such contracts, excluding conversion schools that are not internet or computer based community schools, does not exceed the number of community schools managed by the operator in Ohio or other states on the applicable date that are rated excellent, effective, or in need of continuous improvement pursuant to section 3302.03 of the Revised Code or perform comparably to schools so rated, as determined by the department of education.~~

~~(D) Notwithstanding the limit prescribed by division (A)(4) of section 3314.013 of the Revised Code, after the date the limit prescribed in that division is reached, the governing authority of a start up school sponsored by an entity described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code may establish one additional school serving the same grade levels and providing the same educational program as the current start up school and may open that additional school in the 2006-2007 school year, if both of the following conditions are met:~~

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

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

~~(a) The school currently is rated as excellent or effective pursuant to section 3302.03 of the Revised Code.~~ 17290
17291

~~(b) The school made adequate yearly progress, as defined in section 3302.01 of the Revised Code, for the previous school year.~~ 17292
17293

~~(c) The school has been in operation for at least four school years.~~ 17294
17295

~~(d) The school is not managed by an operator.~~ 17296

Sec. 3314.015. (A) The department of education shall be 17297
responsible for the oversight of sponsors of the community schools 17298
established under this chapter and shall provide technical 17299
assistance to schools and sponsors in their compliance with 17300
applicable laws and the terms of the contracts entered into under 17301
section 3314.03 of the Revised Code and in the development and 17302
start-up activities of those schools. In carrying out its duties 17303
under this section, the department shall do all of the following: 17304

(1) In providing technical assistance to proposing parties, 17305
governing authorities, and sponsors, conduct training sessions and 17306
distribute informational materials; 17307

(2) Approve entities to be sponsors of community schools and 17308
monitor the effectiveness of those sponsors in their oversight of 17309
the schools with which they have contracted; 17310

(3) By December thirty-first of each year, issue a report to 17311
the governor, the speaker of the house of representatives, the 17312
president of the senate, and the chairpersons of the house and 17313
senate committees principally responsible for education matters 17314
regarding the effectiveness of academic programs, operations, and 17315
legal compliance and of the financial condition of all community 17316
schools established under this chapter; 17317

(4) From time to time, make legislative recommendations to 17318
the general assembly designed to enhance the operation and 17319

performance of community schools. 17320

(B)(1) No entity listed in division (C)(1) of section 3314.02 17321
of the Revised Code shall enter into a preliminary agreement under 17322
division (C)(2) of section 3314.02 of the Revised Code until it 17323
has received approval from the department of education to sponsor 17324
community schools under this chapter and has entered into a 17325
written agreement with the department regarding the manner in 17326
which the entity will conduct such sponsorship. The department 17327
shall adopt in accordance with Chapter 119. of the Revised Code 17328
rules containing criteria, procedures, and deadlines for 17329
processing applications for such approval, for oversight of 17330
sponsors, for revocation of the approval of sponsors, and for 17331
entering into written agreements with sponsors. The rules shall 17332
require an entity to submit evidence of the entity's ability and 17333
willingness to comply with the provisions of division (D) of 17334
section 3314.03 of the Revised Code. The rules also shall require 17335
entities approved as sponsors on and after June 30, 2005, to 17336
demonstrate a record of financial responsibility and successful 17337
implementation of educational programs. If an entity seeking 17338
approval on or after June 30, 2005, to sponsor community schools 17339
in this state sponsors or operates schools in another state, at 17340
least one of the schools sponsored or operated by the entity must 17341
be comparable to or better than the performance of Ohio schools in 17342
~~a state of academic watch~~ need of continuous improvement under 17343
section 3302.03 of the Revised Code, as determined by the 17344
department. 17345

An entity that sponsors community schools may enter into 17346
preliminary agreements and sponsor schools as follows, provided 17347
each school and the contract for sponsorship meets the 17348
requirements of this chapter: 17349

(a) An entity that sponsored fifty or fewer schools that were 17350
open for operation as of May 1, 2005, may sponsor not more than 17351

fifty schools. 17352

(b) An entity that sponsored more than fifty but not more 17353
than seventy-five schools that were open for operation as of May 17354
1, 2005, may sponsor not more than the number of schools the 17355
entity sponsored that were open for operation as of May 1, 2005. 17356

(c) Until June 30, 2006, an entity that sponsored more than 17357
seventy-five schools that were open for operation as of May 1, 17358
2005, may sponsor not more than the number of schools the entity 17359
sponsored that were open for operation as of May 1, 2005. After 17360
June 30, 2006, such an entity may sponsor not more than 17361
seventy-five schools. 17362

Upon approval of an entity to be a sponsor under this 17363
division, the department shall notify the entity of the number of 17364
schools the entity may sponsor. 17365

The limit imposed on an entity to which division (B)(1) of 17366
this section applies shall be decreased by one for each school 17367
sponsored by the entity that permanently closes. 17368

If at any time an entity exceeds the number of schools it may 17369
sponsor under this division, the department shall assist the 17370
schools in excess of the entity's limit in securing new sponsors. 17371
If a school is unable to secure a new sponsor, the department 17372
shall assume sponsorship of the school in accordance with division 17373
(C) of this section. Those schools for which another sponsor or 17374
the department assumes sponsorship shall be the schools that most 17375
recently entered into contracts with the entity under section 17376
3314.03 of the Revised Code. 17377

(2) The department of education shall determine, pursuant to 17378
criteria adopted by rule of the department, whether the mission 17379
proposed to be specified in the contract of a community school to 17380
be sponsored by a state university board of trustees or the 17381
board's designee under division (C)(1)(e) of section 3314.02 of 17382

the Revised Code complies with the requirements of that division. 17383
Such determination of the department is final. 17384

(3) The department of education shall determine, pursuant to 17385
criteria adopted by rule of the department, if any tax-exempt 17386
entity under section 501(c)(3) of the Internal Revenue Code that 17387
is proposed to be a sponsor of a community school is an 17388
education-oriented entity for purpose of satisfying the condition 17389
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 17390
Revised Code. Such determination of the department is final. 17391

(C) If at any time the state board of education finds that a 17392
sponsor is not in compliance or is no longer willing to comply 17393
with its contract with any community school or with the 17394
department's rules for sponsorship, the state board or designee 17395
shall conduct a hearing in accordance with Chapter 119. of the 17396
Revised Code on that matter. If after the hearing, the state board 17397
or designee has confirmed the original finding, the department of 17398
education may revoke the sponsor's approval to sponsor community 17399
schools and may assume the sponsorship of any schools with which 17400
the sponsor has contracted until the earlier of the expiration of 17401
two school years or until a new sponsor as described in division 17402
(C)(1) of section 3314.02 of the Revised Code is secured by the 17403
school's governing authority. The department may extend the term 17404
of the contract in the case of a school for which it has assumed 17405
sponsorship under this division as necessary to accommodate the 17406
term of the department's authorization to sponsor the school 17407
specified in this division. 17408

(D) The decision of the department to disapprove an entity 17409
for sponsorship of a community school or to revoke approval for 17410
such sponsorship, as provided in division (C) of this section, may 17411
be appealed by the entity in accordance with section 119.12 of the 17412
Revised Code. 17413

(E) The department shall adopt procedures for use by a 17414

community school governing authority and sponsor when the school 17415
permanently closes and ceases operation, which shall include at 17416
least procedures for data reporting to the department, handling of 17417
student records, distribution of assets in accordance with section 17418
3314.074 of the Revised Code, and other matters related to ceasing 17419
operation of the school. 17420

(F) In carrying out its duties under this chapter, the 17421
department shall not impose requirements on community schools or 17422
their sponsors that are not permitted by law or duly adopted 17423
rules. 17424

Sec. 3314.02. (A) As used in this chapter: 17425

(1) "Sponsor" means an entity listed in division (C)(1) of 17426
this section, which has been approved by the department of 17427
education to sponsor community schools and with which the 17428
governing authority of the proposed community school enters into a 17429
contract pursuant to this section. 17430

(2) "Pilot project area" means the school districts included 17431
in the territory of the former community school pilot project 17432
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 17433
the 122nd general assembly. 17434

(3) "Challenged school district" means any of the following: 17435

(a) A school district that is part of the pilot project area; 17436

(b) A school district that is either in a state of academic 17437
emergency or in a state of academic watch under section 3302.03 of 17438
the Revised Code; 17439

(c) A big eight school district. 17440

(4) "Big eight school district" means a school district that 17441
for fiscal year 1997 had both of the following: 17442

(a) A percentage of children residing in the district and 17443

participating in the predecessor of Ohio works first greater than 17444
thirty per cent, as reported pursuant to section 3317.10 of the 17445
Revised Code; 17446

(b) An average daily membership greater than twelve thousand, 17447
as reported pursuant to former division (A) of section 3317.03 of 17448
the Revised Code. 17449

(5) "New start-up school" means a community school other than 17450
one created by converting all or part of an existing public 17451
school, as designated in the school's contract pursuant to 17452
division (A)(17) of section 3314.03 of the Revised Code. 17453

(6) "Urban school district" means one of the state's 17454
twenty-one urban school districts as defined in division (O) of 17455
section 3317.02 of the Revised Code as that section existed prior 17456
to July 1, 1998. 17457

(7) "Internet- or computer-based community school" means a 17458
community school established under this chapter in which the 17459
enrolled students work primarily from their residences on 17460
assignments in nonclassroom-based learning opportunities provided 17461
via an internet- or other computer-based instructional method that 17462
does not rely on regular classroom instruction or via 17463
comprehensive instructional methods that include internet-based, 17464
other computer-based, and noncomputer-based learning 17465
opportunities. 17466

(B) Any person or group of individuals may initially propose 17467
under this division the conversion of all or a portion of a public 17468
school to a community school. The proposal shall be made to the 17469
board of education of the city, local, or exempted village school 17470
district in which the public school is proposed to be converted. 17471
Upon receipt of a proposal, a board may enter into a preliminary 17472
agreement with the person or group proposing the conversion of the 17473
public school, indicating the intention of the board of education 17474

to support the conversion to a community school. A proposing 17475
person or group that has a preliminary agreement under this 17476
division may proceed to finalize plans for the school, establish a 17477
governing authority for the school, and negotiate a contract with 17478
the board of education. Provided the proposing person or group 17479
adheres to the preliminary agreement and all provisions of this 17480
chapter, the board of education shall negotiate in good faith to 17481
enter into a contract in accordance with section 3314.03 of the 17482
Revised Code and division (C) of this section. 17483

(C)(1) Any person or group of individuals may propose under 17484
this division the establishment of a new start-up school to be 17485
located in a challenged school district. The proposal may be made 17486
to any of the following entities: 17487

(a) The board of education of the district in which the 17488
school is proposed to be located; 17489

(b) The board of education of any joint vocational school 17490
district with territory in the county in which is located the 17491
majority of the territory of the district in which the school is 17492
proposed to be located; 17493

(c) The board of education of any other city, local, or 17494
exempted village school district having territory in the same 17495
county where the district in which the school is proposed to be 17496
located has the major portion of its territory; 17497

(d) The governing board of any educational service center, as 17498
long as the proposed school will be located in a county within the 17499
territory of the service center or in a county contiguous to such 17500
county; 17501

(e) A sponsoring authority designated by the board of 17502
trustees of any of the thirteen state universities listed in 17503
section 3345.011 of the Revised Code or the board of trustees 17504
itself as long as a mission of the proposed school to be specified 17505

in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department of education under division (B)(2) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;

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

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

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

(iii) The department of education has determined that the entity is an education-oriented entity under division (B)(3) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

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

(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the

entity shall negotiate in good faith to enter into a contract in 17537
accordance with section 3314.03 of the Revised Code. 17538

(3) A new start-up school that is established in a school 17539
district while that district is either in a state of academic 17540
emergency or in a state of academic watch under section 3302.03 of 17541
the Revised Code may continue in existence once the school 17542
district is no longer in a state of academic emergency or academic 17543
watch, provided there is a valid contract between the school and a 17544
sponsor. 17545

(4) A copy of every preliminary agreement entered into under 17546
this division shall be filed with the superintendent of public 17547
instruction. 17548

(D) A majority vote of the board of a sponsoring entity and a 17549
majority vote of the members of the governing authority of a 17550
community school shall be required to adopt a contract and convert 17551
the public school to a community school or establish the new 17552
start-up school. Beginning September 29, 2005, ~~adoption~~ execution 17553
of the contract shall occur not later than the fifteenth day of 17554
March, ~~and signing of the contract shall occur not later than the~~ 17555
~~fifteenth day of May,~~ prior to the school year in which the school 17556
will open. The governing authority shall notify the department of 17557
education when the contract has been ~~signed~~ executed. Subject to 17558
~~sections~~ section 3314.013 ~~and 3314.014~~ of the Revised Code, an 17559
unlimited number of community schools may be established in any 17560
school district provided that a contract is entered into for each 17561
community school pursuant to this chapter. 17562

(E)(1) As used in this division, "immediate relatives" are 17563
limited to spouses, children, parents, grandparents, siblings, and 17564
in-laws. 17565

Each new start-up community school established under this 17566
chapter shall be under the direction of a governing authority 17567

which shall consist of a board of not less than five individuals . 17568

No person shall serve on the governing authority or operate 17569
the community school under contract with the governing authority 17570
so long as the person owes the state any money or is in a dispute 17571
over whether the person owes the state any money concerning the 17572
operation of a community school that has closed. 17573

(2) No person shall serve on the governing authorities of 17574
more than two start-up community schools at the same time. 17575

(3) No present or former member, or immediate relative of a 17576
present or former member, of the governing authority of any 17577
community school established under this chapter shall be an owner, 17578
employee, or consultant of any ~~nonprofit or for-profit~~ operator of 17579
a community school, ~~as defined in section 3314.014 of the Revised~~ 17580
~~Code~~, unless at least one year has elapsed since the conclusion of 17581
the person's membership. 17582

(F) Nothing in this chapter shall be construed to permit the 17583
establishment of a community school in more than one school 17584
district under the same contract. 17585

(G)(1) A new start-up school that is established prior to 17586
August 15, 2003, in an urban school district that is not also a 17587
big-eight school district may continue to operate after that date 17588
and the contract between the school's governing authority and the 17589
school's sponsor may be renewed, as provided under this chapter, 17590
after that date, but no additional new start-up schools may be 17591
established in such a district unless the district is a challenged 17592
school district as defined in this section as it exists on and 17593
after that date. 17594

(2) A community school that was established prior to June 29, 17595
1999, and is located in a county contiguous to the pilot project 17596
area and in a school district that is not a challenged school 17597
district may continue to operate after that date, provided the 17598

school complies with all provisions of this chapter. The contract 17599
between the school's governing authority and the school's sponsor 17600
may be renewed, but no additional start-up community school may be 17601
established in that district unless the district is a challenged 17602
school district. 17603

(3) Any educational service center that, on the effective 17604
date of this amendment, sponsors a community school that is not 17605
located in a county within the territory of the service center or 17606
in a county contiguous to such county may continue to sponsor that 17607
community school only until the expiration of the contract between 17608
the service center and the school's governing authority. The 17609
community school may continue to operate after the expiration of 17610
that contract, provided the school secures a new sponsor, as 17611
described in division (C)(1) of this section as it exists on and 17612
after the effective date of this amendment, and the school's 17613
governing authority enters into a contract with the new sponsor. 17614

Sec. 3314.021. (A) This section applies to any entity that is 17615
exempt from taxation under section 501(c)(3) of the Internal 17616
Revenue Code and that satisfies the conditions specified in 17617
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 17618
Revised Code but does not satisfy the condition specified in 17619
division (C)(1)(f)(i) of that section. 17620

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 17621
of the Revised Code, an entity described in division (A) of this 17622
section may do both of the following without obtaining the 17623
department of education's approval of its sponsorship under 17624
division (B)(1) of section 3314.015 of the Revised Code: 17625

(1) Succeed the board of trustees of a state university 17626
located in the pilot project area or that board's designee as the 17627
sponsor of a community school established under this chapter; 17628

(2) Continue to sponsor that school in conformance with the 17629

terms of the contract between the board of trustees or its 17630
designee and the governing authority of the community school and 17631
renew that contract as provided in division (E) of section 3314.03 17632
of the Revised Code. 17633

(C) The entity that succeeds the board of trustees or the 17634
board's designee as sponsor of a community school under division 17635
(B) of this section also may enter into contracts to sponsor other 17636
community schools located in any challenged school district, 17637
without obtaining the department's approval of its sponsorship 17638
under division (B)(1) of section 3314.015 of the Revised Code, ~~and~~ 17639
~~not subject to the restriction of division (A)(7) of section~~ 17640
~~3314.013 of the Revised Code,~~ as long as the contracts conform 17641
with and the entity complies with all other requirements of this 17642
chapter. 17643

Sec. 3314.024. ~~A management company~~ (A) No governing 17644
authority of a community school shall enter into a new contract, 17645
or renew an existing contract, with an operator, unless the 17646
contract was selected through a competitive bidding process 17647
established by the department of education. 17648

(B) An operator that provides services to a community school 17649
that amounts to more than twenty per cent of the annual gross 17650
revenues of the school shall provide a detailed accounting 17651
including the nature and costs of the services it provides to the 17652
community school. This information shall be included in the 17653
footnotes of the financial statements of the school and be subject 17654
to audit during the course of the regular financial audit of the 17655
community school. 17656

Sec. 3314.027. If, on the effective date of this section, the 17657
governing authority of a community school has a contract with an 17658
operator that is not a nonprofit entity as required by division 17659

(A) of section 3314.014 of the Revised Code, as it exists on and 17660
after the effective date of this section, the governing authority 17661
shall not be subject to the requirement that an operator of a 17662
community school be a nonprofit entity until the expiration of 17663
that contract. If the governing authority elects to continue 17664
management of the school by an operator after the expiration of 17665
that contract, the governing authority shall enter into a contract 17666
with a new operator that complies with division (A) of section 17667
3314.014 of the Revised Code, as it exists on and after the 17668
effective date of this section. Section 3314.026 of the Revised 17669
Code shall not apply to any operator that is not a nonprofit 17670
entity and whose contract is not renewed pursuant to this section. 17671

Sec. 3314.03. A copy of every contract entered into under 17672
this section shall be filed with the superintendent of public 17673
instruction. 17674

(A) Each contract entered into between a sponsor and the 17675
governing authority of a community school shall specify the 17676
following: 17677

(1) That the school shall be established as either of the 17678
following: 17679

(a) A nonprofit corporation established under Chapter 1702. 17680
of the Revised Code, if established prior to April 8, 2003; 17681

(b) A public benefit corporation established under Chapter 17682
1702. of the Revised Code, if established after April 8, 2003; 17683

(2) The education program of the school, including the 17684
school's mission, the characteristics of the students the school 17685
is expected to attract, the ages and grades of students, and the 17686
focus of the curriculum; 17687

(3) The academic goals to be achieved and the method of 17688
measurement that will be used to determine progress toward those 17689

goals, which shall include the statewide achievement tests; 17690

(4) Performance standards by which the success of the school 17691
will be evaluated by the sponsor; 17692

(5) The admission standards of section 3314.06 of the Revised 17693
Code and, if applicable, section 3314.061 of the Revised Code; 17694

(6)(a) Dismissal procedures; 17695

(b) A requirement that the governing authority adopt an 17696
attendance policy that includes a procedure for automatically 17697
withdrawing a student from the school if the student without a 17698
legitimate excuse fails to participate in ~~one hundred five~~ 17699
twenty-one consecutive ~~hours~~ days of the learning opportunities 17700
offered to the student. Unless the mission of the school is solely 17701
to serve dropouts, the policy shall prohibit re-enrolling any 17702
student withdrawn under this division for the duration of the 17703
school year in which the withdrawal occurs. 17704

(7) The ways by which the school will achieve racial and 17705
ethnic balance reflective of the community it serves; 17706

(8) Requirements for financial audits by the auditor of 17707
state. The contract shall require financial records of the school 17708
to be maintained in the same manner as are financial records of 17709
school districts, pursuant to rules of the auditor of state, and 17710
the audits shall be conducted in accordance with section 117.10 of 17711
the Revised Code. 17712

(9) The facilities to be used and their locations; 17713

(10) Qualifications of teachers, including a requirement that 17714
the school's classroom teachers be licensed in accordance with 17715
sections 3319.22 to 3319.31 of the Revised Code, except that a 17716
community school may engage noncertificated persons to teach up to 17717
twelve hours per week pursuant to section 3319.301 of the Revised 17718
Code; 17719

(11) That the school will comply with the following requirements: 17720
17721

(a) The school will provide learning opportunities to a minimum of ~~twenty-five~~ one hundred students for a minimum of ~~nine~~ one hundred twenty hours eighty days per school year, unless the department of education grants the school a waiver from the minimum enrollment under division (G) of this section; 17722
17723
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school; 17727
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17729

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution; 17730
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 3313.96, 3319.073, 3319.313, 3319.314, 3319.315, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code; 17734
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code; 17747
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(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who 17749
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enter ninth grade for the first time before July 1, 2010, the 17751
requirement in sections 3313.61 and 3313.611 of the Revised Code 17752
that a person must successfully complete the curriculum in any 17753
high school prior to receiving a high school diploma may be met by 17754
completing the curriculum adopted by the governing authority of 17755
the community school rather than the curriculum specified in Title 17756
XXXVIII of the Revised Code or any rules of the state board of 17757
education. Beginning with students who enter ninth grade for the 17758
first time on or after July 1, 2010, the requirement in sections 17759
3313.61 and 3313.611 of the Revised Code that a person must 17760
successfully complete the curriculum of a high school prior to 17761
receiving a high school diploma shall be met by completing the 17762
Ohio core curriculum prescribed in division (C) of section 17763
3313.603 of the Revised Code, unless the person qualifies under 17764
division (D) or (F) of that section. Each school shall comply with 17765
the plan for awarding high school credit based on demonstration of 17766
subject area competency, adopted by the state board of education 17767
under division (J) of section 3313.603 of the Revised Code. 17768

(g) The school governing authority will submit within ~~four~~ 17769
three months after the end of each school year a report of its 17770
activities and progress in meeting the goals and standards of 17771
divisions (A)(3) and (4) of this section and its financial status 17772
to the sponsor and the parents of all students enrolled in the 17773
school. 17774

(h) The school, unless it is an internet- or computer-based 17775
community school, will comply with section 3313.801 of the Revised 17776
Code as if it were a school district. 17777

(12) Arrangements for providing health and other benefits to 17778
employees; 17779

(13) The length of the contract, which shall begin at the 17780
beginning of an academic year. No contract shall exceed five years 17781
unless such contract has been renewed pursuant to division (E) of 17782

this section. 17783

(14) The governing authority of the school, which shall be 17784
responsible for carrying out the provisions of the contract; 17785

(15) A financial plan detailing an estimated school budget 17786
for each year of the period of the contract and specifying the 17787
total estimated per pupil expenditure amount for each such year. 17788
The plan shall specify for each year the base formula amount that 17789
will be used for purposes of funding calculations under section 17790
3314.08 of the Revised Code. This base formula amount for any year 17791
shall not exceed the formula amount defined under section 3317.02 17792
of the Revised Code. The plan may also specify for any year a 17793
percentage figure to be used for reducing the per pupil amount of 17794
the subsidy calculated pursuant to section 3317.029 of the Revised 17795
Code the school is to receive that year under section 3314.08 of 17796
the Revised Code. 17797

(16) Requirements and procedures regarding the disposition of 17798
employees of the school in the event the contract is terminated or 17799
not renewed pursuant to section 3314.07 of the Revised Code; 17800

(17) Whether the school is to be created by converting all or 17801
part of an existing public school or is to be a new start-up 17802
school, and if it is a converted public school, specification of 17803
any duties or responsibilities of an employer that the board of 17804
education that operated the school before conversion is delegating 17805
to the governing board of the community school with respect to all 17806
or any specified group of employees provided the delegation is not 17807
prohibited by a collective bargaining agreement applicable to such 17808
employees; 17809

(18) Provisions establishing procedures for resolving 17810
disputes or differences of opinion between the sponsor and the 17811
governing authority of the community school; 17812

(19) A provision requiring the governing authority to adopt a 17813

policy regarding the admission of students who reside outside the 17814
district in which the school is located. That policy shall comply 17815
with the admissions procedures specified in sections 3314.06 and 17816
3314.061 of the Revised Code and, at the sole discretion of the 17817
authority, shall do one of the following: 17818

(a) Prohibit the enrollment of students who reside outside 17819
the district in which the school is located; 17820

(b) Permit the enrollment of students who reside in districts 17821
adjacent to the district in which the school is located; 17822

(c) Permit the enrollment of students who reside in any other 17823
district in the state. 17824

(20) A provision recognizing the authority of the department 17825
of education to take over the sponsorship of the school in 17826
accordance with the provisions of division (C) of section 3314.015 17827
of the Revised Code; 17828

(21) A provision recognizing the sponsor's authority to 17829
assume the operation of a school under the conditions specified in 17830
division (B) of section 3314.073 of the Revised Code; 17831

(22) A provision recognizing both of the following: 17832

(a) The authority of public health and safety officials to 17833
inspect the facilities of the school and to order the facilities 17834
closed if those officials find that the facilities are not in 17835
compliance with health and safety laws and regulations; 17836

(b) The authority of the department of education as the 17837
community school oversight body to suspend the operation of the 17838
school under section 3314.072 of the Revised Code if the 17839
department has evidence of conditions or violations of law at the 17840
school that pose an imminent danger to the health and safety of 17841
the school's students and employees and the sponsor refuses to 17842
take such action; 17843

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

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

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

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

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

(2) The management and administration of the school;

(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;

(4) The instructional program and educational philosophy of the school;	17875 17876
(5) Internal financial controls.	17877
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	17878 17879 17880 17881 17882 17883 17884 17885 17886
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	17887 17888 17889 17890 17891
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	17892 17893
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	17894 17895 17896
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	17897 17898 17899 17900
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	17901 17902 17903
(5) Take steps to intervene in the school's operation to	17904

correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

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

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

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

(G) The department of education shall establish criteria for granting community schools waivers from the minimum student

enrollment required under division (A)(11)(a) of this section. In 17937
establishing the criteria, the department shall consider the 17938
effects of waivers on the financial viability of the schools. 17939

Sec. 3314.04. ~~Except as otherwise specified~~ In addition to 17940
the state laws cited in this chapter and in the contract between a 17941
community school and a sponsor, ~~such~~ each community school is 17942
~~exempt from~~ established under this chapter shall comply with all 17943
other state laws and rules pertaining to public schools, school 17944
districts, and boards of education, ~~except~~ including, but not 17945
limited to, those laws and rules that grant certain rights to 17946
parents. 17947

Sec. 3314.074. Divisions (A) and (B) of this section apply 17948
only to the extent permitted under Chapter 1702. of the Revised 17949
Code. 17950

(A) If any community school established under this chapter 17951
permanently closes and ceases its operation as a community school, 17952
the assets of that school shall be distributed first to the 17953
retirement funds of employees of the school, employees of the 17954
school, and private creditors who are owed compensation, and then 17955
any remaining funds shall be paid to the ~~state treasury to the~~ 17956
~~credit of the general revenue fund~~ department of education for 17957
redistribution to the school districts in which the students who 17958
were enrolled in the school at the time it ceased operation were 17959
entitled to attend school under section 3313.64 or 3313.65 of the 17960
Revised Code. The amount distributed to each school district shall 17961
be proportional to the district's share of the total enrollment in 17962
the community school. 17963

(B) If a community school closes and ceases to operate as a 17964
community school and the school has received computer hardware or 17965
software from the former Ohio SchoolNet commission or the eTech 17966

Ohio commission, such hardware or software shall be returned to 17967
the eTech Ohio commission, and the eTech Ohio commission shall 17968
redistribute the hardware and software, to the extent such 17969
redistribution is possible, to school districts in conformance 17970
with the provisions of the programs operated and administered by 17971
the eTech Ohio commission. 17972

(C) If the assets of the school are insufficient to pay all 17973
persons or entities to whom compensation is owed, the 17974
prioritization of the distribution of the assets to individual 17975
persons or entities within each class of payees may be determined 17976
by decree of a court in accordance with this section and Chapter 17977
1702. of the Revised Code. 17978

Sec. 3314.08. (A) As used in this section: 17979

(1) "Base formula amount" means the amount specified as such 17980
in a community school's financial plan for a school year pursuant 17981
to division (A)(15) of section 3314.03 of the Revised Code. 17982

~~(2) "Cost of doing business factor" has the same meaning as 17983
in section 3317.02 of the Revised Code. 17984~~

~~(3) "IEP" means an individualized education program as 17985
defined in section 3323.01 of the Revised Code. 17986~~

~~(4)~~(3) "Applicable special education weight" means the 17987
multiple specified in section 3317.013 of the Revised Code for a 17988
handicap described in that section. 17989

~~(5)~~(4) "Applicable vocational education weight" means: 17990

(a) For a student enrolled in vocational education programs 17991
or classes described in division (A) of section 3317.014 of the 17992
Revised Code, the multiple specified in that division; 17993

(b) For a student enrolled in vocational education programs 17994
or classes described in division (B) of section 3317.014 of the 17995
Revised Code, the multiple specified in that division. 17996

~~(6)~~(5) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.

~~(7)~~(6) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.

~~(8)~~(7) "Poverty-based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty-based assistance a community school is entitled to receive pursuant to divisions (D)(5) and ~~(6)~~ to (8) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.

~~(9)~~(8) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.

~~(10)~~ "SF 3 payment" means the sum of the payments to a school district in a fiscal year under divisions (A), (C)~~(1)~~, (C)~~(4)~~, (D), (E), and (F) of section 3317.022, divisions (C), (L), and (N) of section 3317.024, and sections 3317.029, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after making the adjustments required by sections 3313.981 and 3313.979, divisions (B), (C), (D), (E), (K), (L), (M), (N), and (O) of section 3317.023, and division (C) of section 3317.20 (9) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are

enrolled in grades one through twelve in a community school 18028
established under this chapter, the number of students entitled to 18029
attend school in the district who are enrolled in kindergarten in 18030
a community school, the number of those kindergartners who are 18031
enrolled in all-day kindergarten in their community school, and 18032
for each child, the community school in which the child is 18033
enrolled. 18034

(2) The governing authority of each community school 18035
established under this chapter to annually report all of the 18036
following: 18037

(a) The number of students enrolled in grades one through 18038
twelve and the number of students enrolled in kindergarten in the 18039
school who are not receiving special education and related 18040
services pursuant to an IEP; 18041

(b) The number of enrolled students in grades one through 18042
twelve and the number of enrolled students in kindergarten, who 18043
are receiving special education and related services pursuant to 18044
an IEP; 18045

(c) The number of students reported under division (B)(2)(b) 18046
of this section receiving special education and related services 18047
pursuant to an IEP for a handicap described in each of divisions 18048
(A) to (F) of section 3317.013 of the Revised Code; 18049

(d) The full-time equivalent number of students reported 18050
under divisions (B)(2)(a) and (b) of this section who are enrolled 18051
in vocational education programs or classes described in each of 18052
divisions (A) and (B) of section 3317.014 of the Revised Code that 18053
are provided by the community school; 18054

(e) Twenty per cent of the number of students reported under 18055
divisions (B)(2)(a) and (b) of this section who are not reported 18056
under division (B)(2)(d) of this section but who are enrolled in 18057
vocational education programs or classes described in each of 18058

divisions (A) and (B) of section 3317.014 of the Revised Code at a 18059
joint vocational school district under a contract between the 18060
community school and the joint vocational school district and are 18061
entitled to attend school in a city, local, or exempted village 18062
school district whose territory is part of the territory of the 18063
joint vocational district; 18064

(f) The number of enrolled preschool handicapped students 18065
receiving special education services in a state-funded unit; 18066

(g) The community school's base formula amount; 18067

(h) For each student, the city, exempted village, or local 18068
school district in which the student is entitled to attend school; 18069

(i) Any poverty-based assistance reduction factor that 18070
applies to a school year. 18071

(C) From the ~~SF-3 payment made to~~ state education aid 18072
calculated for a city, exempted village, or local school district 18073
and, if necessary, from the payment made to the district under 18074
sections 321.24 and 323.156 of the Revised Code, the department of 18075
education shall annually subtract the sum of the amounts described 18076
in divisions (C)(1) to ~~(9)~~(7) of this section. However, when 18077
deducting payments on behalf of students enrolled in internet- or 18078
computer-based community schools, the department shall deduct only 18079
those amounts described in divisions (C)(1) and (2) of this 18080
section. Furthermore, the aggregate amount deducted under this 18081
division shall not exceed the sum of the district's ~~SF-3 payment~~ 18082
state education aid and its payment under sections 321.24 and 18083
323.156 of the Revised Code. 18084

(1) An amount equal to the sum of the amounts obtained when, 18085
for each community school where the district's students are 18086
enrolled, the number of the district's students reported under 18087
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 18088
in grades one through twelve, and one-half the number of students 18089

reported under those divisions who are enrolled in kindergarten, 18090
in that community school is multiplied by the ~~greater of the~~ 18091
~~following:~~ 18092

~~(a) The fiscal year 2005 base formula amount of that 18093
community school as adjusted by the school district's fiscal year 18094
2005 cost of doing business factor; 18095~~

~~(b) The sum of (the ~~current~~ base formula amount of that 18096
community school ~~times the school district's current~~ 18097
~~cost of doing business factor~~) plus the per pupil amount of the 18098
base funding supplements specified in divisions (C)(1) to (4) of 18099
section 3317.012 of the Revised Code. 18100~~

(2) The sum of the amounts calculated under divisions 18101
(C)(2)(a) and (b) of this section: 18102

(a) For each of the district's students reported under 18103
division (B)(2)(c) of this section as enrolled in a community 18104
school in grades one through twelve and receiving special 18105
education and related services pursuant to an IEP for a handicap 18106
described in section 3317.013 of the Revised Code, the product of 18107
the applicable special education weight times the community 18108
school's base formula amount; 18109

(b) For each of the district's students reported under 18110
division (B)(2)(c) of this section as enrolled in kindergarten in 18111
a community school and receiving special education and related 18112
services pursuant to an IEP for a handicap described in section 18113
3317.013 of the Revised Code, one-half of the amount calculated as 18114
prescribed in division (C)(2)(a) of this section. 18115

(3) For each of the district's students reported under 18116
division (B)(2)(d) of this section for whom payment is made under 18117
division (D)(4) of this section, the amount of that payment; 18118

(4) An amount equal to the sum of the amounts obtained when, 18119
for each community school where the district's students are 18120

enrolled, the number of the district's students enrolled in that 18121
community school who are included in the district's poverty 18122
student count is multiplied by the per pupil amount of 18123
poverty-based assistance the school district receives that year 18124
pursuant to division ~~(B)~~ or (C) of section 3317.029 of the Revised 18125
Code, as adjusted by any poverty-based assistance reduction factor 18126
of that community school. ~~If the district receives poverty-based~~ 18127
~~assistance under division (B) of that section, the per pupil~~ 18128
~~amount of that aid is the quotient of the amount the district~~ 18129
~~received under that division divided by the district's poverty~~ 18130
~~student count, as defined in that section. If the district~~ 18131
~~receives poverty-based assistance under division (C) of section~~ 18132
~~3317.029 of the Revised Code, the~~ The per pupil amount of that aid 18133
for the district shall be calculated by the department. 18134

(5) An amount equal to the sum of the amounts obtained when, 18135
for each community school where the district's students are 18136
enrolled, the district's per pupil amount of aid received under 18137
division (E) of section 3317.029 of the Revised Code, as adjusted 18138
by any poverty-based assistance reduction factor of the community 18139
school, is multiplied by the sum of the following: 18140

(a) The number of the district's students reported under 18141
division (B)(2)(a) of this section who are enrolled in grades one 18142
to three in that community school and who are not receiving 18143
special education and related services pursuant to an IEP; 18144

(b) One-half of the district's students who are enrolled in 18145
all-day or any other kindergarten class in that community school 18146
and who are not receiving special education and related services 18147
pursuant to an IEP; 18148

(c) One-half of the district's students who are enrolled in 18149
all-day kindergarten in that community school and who are not 18150
receiving special education and related services pursuant to an 18151
IEP. 18152

The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section.

(6) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (F) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of that community school, is multiplied by the number of the district's students enrolled in the community school who are identified as limited-English proficient.

(7) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (G) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of that community school, is multiplied by the sum of the following:

(a) The number of the district's students enrolled in grades one through twelve in that community school;

(b) One-half of the number of the district's students enrolled in kindergarten in that community school.

The district's per pupil amount under division (G) of section 3317.029 of the Revised Code is the district's amount per teacher calculated under division (G)(1) or (2) of that section divided by 17, ~~times a multiple of 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.~~

~~(8) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under divisions~~

~~(H) and (I) of section 3317.029 of the Revised Code, as adjusted 18184
by any poverty based assistance reduction factor of that community 18185
school, is multiplied by the sum of the following: 18186~~

~~(a) The number of the district's students enrolled in grades 18187
one through twelve in that community school; 18188~~

~~(b) One half of the number of the district's students 18189
enrolled in kindergarten in that community school. 18190~~

~~The district's per pupil amount under divisions (H) and (I) 18191
of section 3317.029 of the Revised Code is the amount calculated 18192
under each division divided by the district's formula ADM, as 18193
defined in section 3317.02 of the Revised Code. 18194~~

~~(9) An amount equal to the per pupil state parity aid funding 18195
calculated for the school district under either division (C) or 18196
(D) of section 3317.0217 of the Revised Code multiplied by the sum 18197
of the number of students in grades one through twelve, and 18198
one half of the number of students in kindergarten, who are 18199
entitled to attend school in the district and are enrolled in a 18200
community school as reported under division (B)(1) of this 18201
section. 18202~~

(D) The department shall annually pay to a community school 18203
established under this chapter the sum of the amounts described in 18204
divisions (D)(1) to ~~(10)~~(8) of this section. However, the 18205
department shall calculate and pay to each internet- or 18206
computer-based community school only the amounts described in 18207
divisions (D)(1) to (3) of this section. Furthermore, the sum of 18208
the payments to all community schools under divisions (D)(1), (2), 18209
and (4) to ~~(10)~~(8) of this section for the students entitled to 18210
attend school in any particular school district shall not exceed 18211
the sum of that district's ~~SF-3 payment~~ state education aid and 18212
its payment under sections 321.24 and 323.156 of the Revised Code. 18213
If the sum of the payments calculated under those divisions for 18214

the students entitled to attend school in a particular school 18215
district exceeds the sum of that district's ~~SF-3 payment state~~ 18216
education aid and its payment under sections 321.24 and 323.156 of 18217
the Revised Code, the department shall calculate and apply a 18218
proration factor to the payments to all community schools under 18219
those divisions for the students entitled to attend school in that 18220
district. 18221

(1) Subject to section 3314.085 of the Revised Code, an 18222
amount equal to the sum of the amounts obtained when the number of 18223
students enrolled in grades one through twelve, plus one-half of 18224
the kindergarten students in the school, reported under divisions 18225
(B)(2)(a), (b), and (e) of this section who are not receiving 18226
special education and related services pursuant to an IEP for a 18227
handicap described in section 3317.013 of the Revised Code is 18228
multiplied by the ~~greater of the following:~~ 18229

~~(a) The community school's fiscal year 2005 base formula 18230
amount, as adjusted by the fiscal year 2005 cost of doing business 18231
factor of the school district in which the student is entitled to 18232
attend school;~~ 18233

~~(b) The sum of (the community school's ~~current~~ base formula 18234
amount ~~times the current cost of doing business factor of the~~ 18235
~~school district in which the student is entitled to attend school~~) 18236
plus the per pupil amount of the base funding supplements 18237
specified in divisions (C)(1) to (4) of section 3317.012 of the 18238
Revised Code. 18239~~

(2) Prior to fiscal year 2007, the greater of the amount 18240
calculated under division (D)(2)(a) or (b) of this section, and in 18241
fiscal year 2007 and thereafter, the amount calculated under 18242
division (D)(2)(b) of this section: 18243

(a) The aggregate amount that the department paid to the 18244
community school in fiscal year 1999 for students receiving 18245

special education and related services pursuant to IEPs, excluding 18246
federal funds and state disadvantaged pupil impact aid funds; 18247

(b) The sum of the amounts calculated under divisions 18248
(D)(2)(b)(i) and (ii) of this section: 18249

(i) For each student reported under division (B)(2)(c) of 18250
this section as enrolled in the school in grades one through 18251
twelve and receiving special education and related services 18252
pursuant to an IEP for a handicap described in section 3317.013 of 18253
the Revised Code, the following amount: 18254

~~the greater of (the community school's fiscal year 2005 18255
base formula amount X the fiscal year 2005 18256
cost of doing business factor of the district 18257
where the student is entitled to attend school) 18258
or [(the school's ~~current~~ base formula amount times 18259
the current cost of doing business factor of the school district 18260
where the student is entitled to attend school) plus 18261
the per pupil amount of the base funding supplements specified in 18262
divisions (C)(1) to (4) of section 3317.012 of the Revised Code.] 18263
+ (the applicable special education weight X the 18264
community school's base formula amount); 18265~~

(ii) For each student reported under division (B)(2)(c) of 18266
this section as enrolled in kindergarten and receiving special 18267
education and related services pursuant to an IEP for a handicap 18268
described in section 3317.013 of the Revised Code, one-half of the 18269
amount calculated under the formula prescribed in division 18270
(D)(2)(b)(i) of this section. 18271

(3) An amount received from federal funds to provide special 18272
education and related services to students in the community 18273
school, as determined by the superintendent of public instruction. 18274

(4) For each student reported under division (B)(2)(d) of 18275
this section as enrolled in vocational education programs or 18276

classes that are described in section 3317.014 of the Revised Code, are provided by the community school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, an amount equal to the applicable vocational education weight times the community school's base formula amount times the percentage of time the student spends in the vocational education programs or classes.

(5) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the number of that district's students enrolled in the community school who are included in the district's poverty student count is multiplied by the per pupil amount of poverty-based assistance that school district receives that year pursuant to division ~~(B)~~ or (C) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school. The per pupil amount of aid shall be determined as described in division (C)(4) of this section.

(6) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school, is multiplied by the sum of the following:

(a) The number of the district's students reported under division (B)(2)(a) of this section who are enrolled in grades one to three in that community school and who are not receiving special education and related services pursuant to an IEP;

(b) One-half of the district's students who are enrolled in

all-day or any other kindergarten class in that community school 18309
and who are not receiving special education and related services 18310
pursuant to an IEP; 18311

(c) One-half of the district's students who are enrolled in 18312
all-day kindergarten in that community school and who are not 18313
receiving special education and related services pursuant to an 18314
IEP. 18315

The district's per pupil amount of aid under division (E) of 18316
section 3317.029 of the Revised Code shall be determined as 18317
described in division (C)(5) of this section. 18318

(7) An amount equal to the sum of the amounts obtained when, 18319
for each school district where the community school's students are 18320
entitled to attend school, the number of that district's students 18321
enrolled in the community school who are identified as 18322
limited-English proficient is multiplied by the district's per 18323
pupil amount received under division (F) of section 3317.029 of 18324
the Revised Code, as adjusted by any poverty-based assistance 18325
reduction factor of the community school. 18326

(8) An amount equal to the sum of the amounts obtained when, 18327
for each school district where the community school's students are 18328
entitled to attend school, the district's per pupil amount 18329
received under division (G) of section 3317.029 of the Revised 18330
Code, as adjusted by any poverty-based assistance reduction factor 18331
of the community school, is multiplied by the sum of the 18332
following: 18333

(a) The number of the district's students enrolled in grades 18334
one through twelve in that community school; 18335

(b) One-half of the number of the district's students 18336
enrolled in kindergarten in that community school. 18337

The district's per pupil amount under division (G) of section 18338
3317.029 of the Revised Code shall be determined as described in 18339

division (C)(7) of this section. 18340

~~(9) An amount equal to the sum of the amounts obtained when, 18341
for each school district where the community school's students are 18342
entitled to attend school, the district's per pupil amount 18343
received under divisions (H) and (I) of section 3317.029 of the 18344
Revised Code, as adjusted by any poverty based assistance 18345
reduction factor of the community school, is multiplied by the sum 18346
of the following: 18347~~

~~(a) The number of the district's students enrolled in grades 18348
one through twelve in that community school; 18349~~

~~(b) One half of the number of the district's students 18350
enrolled in kindergarten in that community school. 18351~~

~~The district's per pupil amount under divisions (H) and (I) 18352
of section 3317.029 of the Revised Code shall be determined as 18353
described in division (C)(8) of this section. 18354~~

~~(10) An amount equal to the sum of the amounts obtained when, 18355
for each school district where the community school's students are 18356
entitled to attend school, the district's per pupil amount of 18357
state parity aid funding calculated under either division (C) or 18358
(D) of section 3317.0217 of the Revised Code is multiplied by the 18359
sum of the number of that district's students enrolled in grades 18360
one through twelve, and one half of the number of that district's 18361
students enrolled in kindergarten, in the community school as 18362
reported under division (B)(2)(a) and (b) of this section. 18363~~

(E)(1) If a community school's costs for a fiscal year for a 18364
student receiving special education and related services pursuant 18365
to an IEP for a handicap described in divisions (B) to (F) of 18366
section 3317.013 of the Revised Code exceed the threshold 18367
catastrophic cost for serving the student as specified in division 18368
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 18369
submit to the superintendent of public instruction documentation, 18370

as prescribed by the superintendent, of all its costs for that 18371
student. Upon submission of documentation for a student of the 18372
type and in the manner prescribed, the department shall pay to the 18373
community school an amount equal to the school's costs for the 18374
student in excess of the threshold catastrophic costs. 18375

(2) The community school shall only report under division 18376
(E)(1) of this section, and the department shall only pay for, the 18377
costs of educational expenses and the related services provided to 18378
the student in accordance with the student's individualized 18379
education program. Any legal fees, court costs, or other costs 18380
associated with any cause of action relating to the student may 18381
not be included in the amount. 18382

(F) A community school may apply to the department of 18383
education for preschool handicapped or gifted unit funding the 18384
school would receive if it were a school district. Upon request of 18385
its governing authority, a community school that received unit 18386
funding as a school district-operated school before it became a 18387
community school shall retain any units awarded to it as a school 18388
district-operated school provided the school continues to meet 18389
eligibility standards for the unit. 18390

A community school shall be considered a school district and 18391
its governing authority shall be considered a board of education 18392
for the purpose of applying to any state or federal agency for 18393
grants that a school district may receive under federal or state 18394
law or any appropriations act of the general assembly. The 18395
governing authority of a community school may apply to any private 18396
entity for additional funds. 18397

(G) A board of education sponsoring a community school may 18398
utilize local funds to make enhancement grants to the school or 18399
may agree, either as part of the contract or separately, to 18400
provide any specific services to the community school at no cost 18401
to the school. 18402

(H) A community school may not levy taxes or issue bonds secured by tax revenues. 18403
18404

(I) No community school shall charge tuition for the enrollment of any student. 18405
18406

(J)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (D) of this section. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school. 18407
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(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities. 18414
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(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school. 18416
18417
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(K) For purposes of determining the number of students for which divisions (D)(5) and (6) of this section applies in any school year, a community school may submit to the department of job and family services, no later than the first day of March, a list of the students enrolled in the school. For each student on the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school. Upon receipt of a list under this division, the department of job and family services shall determine, for each school district where one or more students on the list is entitled to attend school, the number of students residing in that school district who were included in the department's report under section 3317.10 of the Revised Code. The department shall make this determination on the basis of information readily available to it. Upon making this 18419
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determination and no later than ninety days after submission of 18434
the list by the community school, the department shall report to 18435
the state department of education the number of students on the 18436
list who reside in each school district who were included in the 18437
department's report under section 3317.10 of the Revised Code. In 18438
complying with this division, the department of job and family 18439
services shall not report to the state department of education any 18440
personally identifiable information on any student. 18441

(L) The department of education shall adjust the amounts 18442
subtracted and paid under divisions (C) and (D) of this section to 18443
reflect any enrollment of students in community schools for less 18444
than the equivalent of a full school year. The state board of 18445
education within ninety days after April 8, 2003, shall adopt in 18446
accordance with Chapter 119. of the Revised Code rules governing 18447
the payments to community schools under this section including 18448
initial payments in a school year and adjustments and reductions 18449
made in subsequent periodic payments to community schools and 18450
corresponding deductions from school district accounts as provided 18451
under divisions (C) and (D) of this section. For purposes of this 18452
section: 18453

(1) A student shall be considered enrolled in the community 18454
school for any portion of the school year the student is 18455
participating at a college under Chapter 3365. of the Revised 18456
Code. 18457

(2) A student shall be considered to be enrolled in a 18458
community school during a school year for the period of time 18459
beginning on the later of the date on which the school both has 18460
received documentation of the student's enrollment from a parent 18461
and the student has commenced participation in learning 18462
opportunities as defined in the contract with the sponsor, or 18463
thirty days prior to the date on which the student is entered into 18464
the education management information system established under 18465

section 3301.0714 of the Revised Code. For purposes of applying 18466
this division to a community school student, "learning 18467
opportunities" shall be defined in the contract, which shall 18468
describe both classroom-based and non-classroom-based learning 18469
opportunities and shall be in compliance with criteria and 18470
documentation requirements for student participation which shall 18471
be established by the department. Any student's instruction time 18472
in non-classroom-based learning opportunities shall be certified 18473
by an employee of the community school. A student's enrollment 18474
shall be considered to cease on the date on which any of the 18475
following occur: 18476

(a) The community school receives documentation from a parent 18477
terminating enrollment of the student. 18478

(b) The community school is provided documentation of a 18479
student's enrollment in another public or private school. 18480

(c) The community school ceases to offer learning 18481
opportunities to the student pursuant to the terms of the contract 18482
with the sponsor or the operation of any provision of this 18483
chapter. 18484

(3) A student's percentage of full-time equivalency shall be 18485
considered to be the percentage the ~~hours~~ days of learning 18486
opportunity offered to that student is of ~~nine one hundred and~~ 18487
~~twenty hours~~ eighty days. However, no internet- or computer-based 18488
community school shall be credited for any ~~time~~ day a student 18489
spends participating in learning opportunities ~~beyond~~ for less 18490
than five hours or more than ten hours ~~within any period of~~ 18491
~~twenty-four consecutive hours~~. 18492

(M) The department of education shall reduce the amounts paid 18493
under division (D) of this section to reflect payments made to 18494
colleges under division (B) of section 3365.07 of the Revised 18495
Code. 18496

(N)(1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted jointly by the superintendent of public instruction and the auditor of state, the department shall reduce the amounts otherwise payable under division (D) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and

academic accountability for such schools. 18528

(O)(1) If the department determines that a review of a 18529
community school's enrollment is necessary, such review shall be 18530
completed and written notice of the findings shall be provided to 18531
the governing authority of the community school and its sponsor 18532
within ninety days of the end of the community school's fiscal 18533
year, unless extended for a period not to exceed thirty additional 18534
days for one of the following reasons: 18535

(a) The department and the community school mutually agree to 18536
the extension. 18537

(b) Delays in data submission caused by either a community 18538
school or its sponsor. 18539

(2) If the review results in a finding that additional 18540
funding is owed to the school, such payment shall be made within 18541
thirty days of the written notice. If the review results in a 18542
finding that the community school owes moneys to the state, the 18543
following procedure shall apply: 18544

(a) Within ten business days of the receipt of the notice of 18545
findings, the community school may appeal the department's 18546
determination to the state board of education or its designee. 18547

(b) The board or its designee shall conduct an informal 18548
hearing on the matter within thirty days of receipt of such an 18549
appeal and shall issue a decision within fifteen days of the 18550
conclusion of the hearing. 18551

(c) If the board has enlisted a designee to conduct the 18552
hearing, the designee shall certify its decision to the board. The 18553
board may accept the decision of the designee or may reject the 18554
decision of the designee and issue its own decision on the matter. 18555

(d) Any decision made by the board under this division is 18556
final. 18557

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(P) The department shall not subtract from a school district's state aid account under division (C) of this section and shall not pay to a community school under division (D) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the test and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account under division

(C) of this section and shall not pay to a community school under 18589
division (D) of this section any amount for that veteran. 18590

Sec. 3314.19. The sponsor of each community school annually 18591
shall provide the following assurances in writing to the 18592
department of education not later than ten business days prior to 18593
the opening of the school: 18594

(A) That a current copy of the contract between the sponsor 18595
and the governing authority of the school entered into under 18596
section 3314.03 of the Revised Code has been filed with the state 18597
office of community schools established under section 3314.11 of 18598
the Revised Code and that any subsequent modifications to that 18599
contract will be filed with the office; 18600

(B) That the school has submitted to the sponsor a plan for 18601
providing special education and related services to students with 18602
disabilities and has demonstrated the capacity to provide those 18603
services in accordance with Chapter 3323. of the Revised Code and 18604
federal law; 18605

(C) That the school has a plan and procedures for 18606
administering the achievement tests and diagnostic assessments 18607
prescribed by sections 3301.0710 and 3301.0715 of the Revised 18608
Code; 18609

(D) That school personnel have the necessary training, 18610
knowledge, and resources to properly use and submit information to 18611
all databases maintained by the department for the collection of 18612
education data, including the education management information 18613
system established under section 3301.0714 of the Revised Code in 18614
accordance with methods and timelines established under section 18615
3314.17 of the Revised Code; 18616

(E) That all required information about the school has been 18617
submitted to the Ohio education directory system or any successor 18618

system; 18619

(F) That the school will enroll at least the minimum number of students required by division (A)(11)(a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided; 18620
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(G) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except for noncertificated persons engaged to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code; 18624
18625
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(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code; 18628
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(I) That the school has complied with section 3319.39 of the Revised Code with respect to all employees who are responsible for the care, custody, or control of a child and that the school has conducted a criminal records check of each of its governing authority members; 18630
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(J) That the school holds all of the following: 18635

(1) Proof of property ownership or a lease for the facilities used by the school; 18636
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(2) A certificate of occupancy; 18638

(3) Liability insurance for the school, as required by division (A)(11)(b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk; 18639
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(4) A satisfactory health and safety inspection; 18643

(5) A satisfactory fire inspection; 18644

(6) A valid food permit, if applicable. 18645

(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are 18646
18647

provided; 18648

(L) That the school has designated a date it will open for 18649
the school year for which the assurances are provided that is in 18650
compliance with division (A)(25) of section 3314.03 of the Revised 18651
Code; 18652

(M) That the school has met all of the sponsor's requirements 18653
for opening and any other requirements of the sponsor. 18654

Sec. 3314.21. (A) As used in this section: 18655

(1) "Harmful to juveniles" has the same meaning as in section 18656
2907.01 of the Revised Code. 18657

(2) "Obscene" has the same meaning as in division (F) of 18658
section 2907.01 of the Revised Code as that division has been 18659
construed by the supreme court of this state. 18660

(3) "Teacher of record" means a teacher who is responsible 18661
for the overall academic development and achievement of a student 18662
and not merely the student's instruction in any single subject. 18663

~~(B)(1)~~ It(1) It is the intent of the general assembly that 18664
teachers employed by internet- or computer-based community schools 18665
conduct visits with their students in person throughout the school 18666
year. 18667

(2) Each internet- or computer-based community school shall 18668
~~retain an affiliation with~~ employ at least one full-time teacher 18669
of record licensed in accordance with division (A)(10) of section 18670
3314.03 of the Revised Code. 18671

(3) Each student enrolled in an internet- or computer-based 18672
community school shall be assigned to at least one teacher of 18673
record. No teacher of record shall be primarily responsible for 18674
the academic development and achievement of more than one hundred 18675
twenty-five students ~~enrolled in the internet- or computer-based~~ 18676
~~community school that has retained that teacher.~~ 18677

(C) For any internet- or computer-based community school, the contract between the sponsor and the governing authority of the school described in section 3314.03 of the Revised Code shall specify each of the following:

(1) A requirement that the school use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use. The school shall provide such device or software at no cost to any student who works primarily from the student's residence on a computer obtained from a source other than the school.

(2) A plan for fulfilling the intent of the general assembly specified in division (B)(1) of this section. The plan shall indicate the number of times teachers will visit each student throughout the school year and the manner in which those visits will be conducted.

(3) That the school will set up a central base of operation and the sponsor will maintain a representative within fifty miles of that base of operation to provide monitoring and assistance.

Sec. 3314.27. No student enrolled in an internet- or computer-based community school may participate in less than five or more than ten hours of learning opportunities in any period of twenty four consecutive hours day. Any time day in which such a student participates in learning opportunities ~~beyond~~ outside the ~~limit~~ limits prescribed in this section shall not count toward the annual minimum number of ~~hours~~ days required to be provided to that student as prescribed in division (A)(11)(a) of section 3314.03 of the Revised Code. ~~If any internet- or computer-based community school requires its students to participate in learning opportunities on the basis of days rather than hours, one day shall consist of a minimum of five hours of such participation.~~

Sec. 3317.01. As used in this section and section 3317.011 of 18709
the Revised Code, "school district," unless otherwise specified, 18710
means any city, local, exempted village, joint vocational, or 18711
cooperative education school district and any educational service 18712
center. 18713

This chapter shall be administered by the state board of 18714
education. The superintendent of public instruction shall 18715
calculate the amounts payable to each school district and shall 18716
certify the amounts payable to each eligible district to the 18717
treasurer of the district as provided by this chapter. As soon as 18718
possible after such amounts are calculated, the superintendent 18719
shall certify to the treasurer of each school district the 18720
district's adjusted charge-off increase, as defined in section 18721
5705.211 of the Revised Code. No moneys shall be distributed 18722
pursuant to this chapter without the approval of the controlling 18723
board. 18724

The state board of education shall, in accordance with 18725
appropriations made by the general assembly, meet the financial 18726
obligations of this chapter. 18727

Annually, the department of education shall calculate and 18728
report to each school district the district's total state and 18729
local funds for providing an adequate basic education to the 18730
district's nonhandicapped students, utilizing the determination in 18731
section 3317.012 of the Revised Code. In addition, the department 18732
shall calculate and report separately for each school district the 18733
district's total state and local funds for providing an adequate 18734
education for its handicapped students, utilizing the 18735
determinations in both sections 3317.012 and 3317.013 of the 18736
Revised Code. 18737

Not later than the thirty-first day of August of each fiscal 18738
year, the department of education shall provide to each school 18739

district and county MR/DD board a preliminary estimate of the 18740
amount of funding that the department calculates the district will 18741
receive under each of divisions (C)(1) and (4) of section 3317.022 18742
of the Revised Code. No later than the first day of December of 18743
each fiscal year, the department shall update that preliminary 18744
estimate. 18745

Moneys distributed pursuant to this chapter shall be 18746
calculated and paid on a fiscal year basis, beginning with the 18747
first day of July and extending through the thirtieth day of June. 18748
The moneys appropriated for each fiscal year shall be distributed 18749
at least monthly to each school district unless otherwise provided 18750
for. The state board shall submit a yearly distribution plan to 18751
the controlling board at its first meeting in July. The state 18752
board shall submit any proposed midyear revision of the plan to 18753
the controlling board in January. Any year-end revision of the 18754
plan shall be submitted to the controlling board in June. If 18755
moneys appropriated for each fiscal year are distributed other 18756
than monthly, such distribution shall be on the same basis for 18757
each school district. 18758

The total amounts paid each month shall constitute, as nearly 18759
as possible, one-twelfth of the total amount payable for the 18760
entire year. 18761

~~Until fiscal year 2007, payments~~ Payments made during the 18762
first six months of the fiscal year may be based on an estimate of 18763
the amounts payable for the entire year. Payments made in the last 18764
six months shall be based on the final calculation of the amounts 18765
payable to each school district for that fiscal year. Payments 18766
made in the last six months may be adjusted, if necessary, to 18767
correct the amounts distributed in the first six months, and to 18768
reflect enrollment increases when such are at least three per 18769
cent. 18770

~~Beginning in fiscal year 2007, payments shall be calculated~~ 18771

~~to reflect the biannual reporting of average daily membership. In 18772
fiscal year 2007 and in each fiscal year thereafter, annualized 18773
periodic payments for each school district shall be based on the 18774
district's student counts certified pursuant to section 3317.03 of 18775
the Revised Code as follows: 18776~~

~~the sum of one half of the number of students reported 18777
for the first full week in October plus one half of the 18778
average of the numbers reported for the first full week 18779
in October and for the first full week in February 18780~~

Except as otherwise provided, payments under this chapter 18781
shall be made only to those school districts in which: 18782

(A) The school district, except for any educational service 18783
center and any joint vocational or cooperative education school 18784
district, levies for current operating expenses at least twenty 18785
mills. Levies for joint vocational or cooperative education school 18786
districts or county school financing districts, limited to or to 18787
the extent apportioned to current expenses, shall be included in 18788
this qualification requirement. School district income tax levies 18789
under Chapter 5748. of the Revised Code, limited to or to the 18790
extent apportioned to current operating expenses, shall be 18791
included in this qualification requirement to the extent 18792
determined by the tax commissioner under division (D) of section 18793
3317.021 of the Revised Code. 18794

(B) The school year next preceding the fiscal year for which 18795
such payments are authorized meets the requirement of section 18796
3313.48 or 3313.481 of the Revised Code, with regard to the 18797
minimum number of days or hours school must be open for 18798
instruction with pupils in attendance, for individualized 18799
parent-teacher conference and reporting periods, and for 18800
professional meetings of teachers. This requirement shall be 18801
waived by the superintendent of public instruction if it had been 18802
necessary for a school to be closed because of disease epidemic, 18803

hazardous weather conditions, inoperability of school buses or 18804
other equipment necessary to the school's operation, damage to a 18805
school building, or other temporary circumstances due to utility 18806
failure rendering the school building unfit for school use, 18807
provided that for those school districts operating pursuant to 18808
section 3313.48 of the Revised Code the number of days the school 18809
was actually open for instruction with pupils in attendance and 18810
for individualized parent-teacher conference and reporting periods 18811
is not less than one hundred seventy-five, or for those school 18812
districts operating on a trimester plan the number of days the 18813
school was actually open for instruction with pupils in attendance 18814
not less than seventy-nine days in any trimester, for those school 18815
districts operating on a quarterly plan the number of days the 18816
school was actually open for instruction with pupils in attendance 18817
not less than fifty-nine days in any quarter, or for those school 18818
districts operating on a pentamester plan the number of days the 18819
school was actually open for instruction with pupils in attendance 18820
not less than forty-four days in any pentamester. 18821

A school district shall not be considered to have failed to 18822
comply with this division or section 3313.481 of the Revised Code 18823
because schools were open for instruction but either twelfth grade 18824
students were excused from attendance for up to three days or only 18825
a portion of the kindergarten students were in attendance for up 18826
to three days in order to allow for the gradual orientation to 18827
school of such students. 18828

The superintendent of public instruction shall waive the 18829
requirements of this section with reference to the minimum number 18830
of days or hours school must be in session with pupils in 18831
attendance for the school year succeeding the school year in which 18832
a board of education initiates a plan of operation pursuant to 18833
section 3313.481 of the Revised Code. The minimum requirements of 18834
this section shall again be applicable to such a district 18835

beginning with the school year commencing the second July 18836
succeeding the initiation of one such plan, and for each school 18837
year thereafter. 18838

A school district shall not be considered to have failed to 18839
comply with this division or section 3313.48 or 3313.481 of the 18840
Revised Code because schools were open for instruction but the 18841
length of the regularly scheduled school day, for any number of 18842
days during the school year, was reduced by not more than two 18843
hours due to hazardous weather conditions. 18844

(C) The school district has on file, and is paying in 18845
accordance with, a teachers' salary schedule which complies with 18846
section 3317.13 of the Revised Code. 18847

A board of education or governing board of an educational 18848
service center which has not conformed with other law and the 18849
rules pursuant thereto, shall not participate in the distribution 18850
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 18851
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 18852
and sufficient reason established to the satisfaction of the state 18853
board of education and the state controlling board. 18854

All funds allocated to school districts under this chapter, 18855
except those specifically allocated for other purposes, shall be 18856
used to pay current operating expenses only. 18857

Sec. 3317.012. (A) The general assembly, having deliberated 18858
on the model with which to calculate the base cost of an adequate 18859
education per pupil, has made a policy decision to calculate that 18860
amount as consisting of the following building blocks: 18861

(1) Base classroom teachers; 18862

(2) Other personnel support, which includes additional 18863
teachers, such as music, arts, and physical education teachers 18864
funded by state, local, or federal funds or other funds that are 18865

above the base cost funding level, and other school personnel 18866
including administrators; 18867

(3) Nonpersonnel support. 18868

This model reflects policy decisions made by the general 18869
assembly concerning the cost of base classroom teachers, which 18870
decisions entail two policy variables: the number of students per 18871
base classroom teacher necessary for an adequate education and the 18872
average compensation for a base classroom teacher necessary for an 18873
adequate education. The model requires the general assembly to 18874
decide the amount of other personnel support necessary for an 18875
adequate education, ~~and increase that amount from year to year by~~ 18876
~~the same percentage as it increases the average compensation for~~ 18877
~~base classroom teachers.~~ The model finally requires the general 18878
assembly to decide the nonpersonnel costs necessary for an 18879
adequate education and to inflate the nonpersonnel costs from year 18880
to year using the projected inflationary measure for the gross 18881
domestic product deflator (all items) prepared by the bureau of 18882
labor statistics of the United States department of labor. 18883

(B)(1) For fiscal year ~~2006~~ 2008, the general assembly has 18884
resolved that a ratio of one base classroom teacher per twenty 18885
students is necessary for an adequate education for all schools 18886
except internet- or computer-based community schools, and has 18887
resolved that a ratio of one base classroom teacher per one 18888
hundred students is necessary for an adequate education for 18889
internet- or computer-based community schools. The general 18890
assembly has made a policy decision that the average compensation 18891
for base classroom teachers is ~~\$53,680~~ \$56,754 for fiscal year 18892
~~2006~~ 2008, which includes an amount for the value of fringe 18893
benefits. For fiscal year ~~2007~~ 2009, the general assembly has 18894
resolved that a ratio of one base classroom teacher per twenty 18895
students is necessary for an adequate education for all schools 18896
except internet- or computer-based community schools, and has 18897

resolved that a ratio of one base classroom teacher per one 18898
hundred students is necessary for an adequate education for 18899
internet- or computer-based community schools. The general 18900
assembly has made a policy decision that the average compensation 18901
for base classroom teachers is ~~\$54,941~~ \$58,621 for fiscal year 18902
2009, which includes an amount for the value of fringe benefits. 18903
Based on a ratio of twenty students per base classroom teacher, 18904
these amounts equal ~~\$2,684~~ \$2,838 per pupil in fiscal year ~~2006~~ 18905
2008 and ~~\$2,747~~ \$2,931 per pupil in fiscal year ~~2007~~ 2009 for all 18906
students except those enrolled in internet- or computer-based 18907
community schools. Based on a ratio of one hundred students per 18908
classroom teacher, these amounts equal \$568 per pupil in fiscal 18909
year 2008 and \$586 per pupil in fiscal year 2009 for students 18910
enrolled in internet- or computer-based community schools. 18911

(2) The general assembly has made a policy decision that the 18912
per pupil cost of salary and benefits of other personnel support 18913
is ~~\$1,807~~ \$1,905 in fiscal year ~~2006~~ 2008. Based on the percentage 18914
increase for the ~~average compensation of base classroom teachers~~ 18915
per pupil cost of salary and benefits of other personnel support 18916
from fiscal year ~~2006~~ 2007 to fiscal year ~~2007~~ 2008, the per pupil 18917
cost of other personnel support is ~~\$1,850~~ \$1,962 in fiscal year 18918
~~2007~~ 2009. 18919

(3) The general assembly has made a policy decision that the 18920
per pupil cost of nonpersonnel support is ~~\$792~~ \$822 in fiscal year 18921
~~2006~~ 2008 and ~~\$806~~ \$839 in fiscal year ~~2007~~ 2009. The amount for 18922
fiscal year ~~2007~~ 2009 reflects the projected inflationary measure 18923
for the gross domestic product deflator (all items) of ~~1.80%~~ 18924
2.00%. 18925

(4) Based on the determinations specified in divisions (B)(1) 18926
to (3) of this section, the per-pupil base cost is ~~\$5,283~~ \$5,565 18927
in fiscal year ~~2006~~ 2008 and ~~\$5,403~~ \$5,732 in fiscal year ~~2007~~ 18928
2009 for all pupils except those enrolled in internet- or 18929

computer-based community schools. Based on the determinations 18930
specified in divisions (B)(1) to (3) of this section, the 18931
per-pupil base cost for pupils enrolled in internet- or 18932
computer-based community schools is \$3,295 in fiscal year 2008 and 18933
\$3,387 in fiscal year 2009, which amounts shall be used to make 18934
payments to internet- or computer-based community schools under 18935
Chapter 3314. of the Revised Code. 18936

(C) In addition to the per-pupil base cost as determined 18937
under divisions (A) and (B) of this section, the general assembly 18938
determines that the following base funding supplements shall be 18939
paid to each school district: 18940

(1) Base funding for large-group academic intervention for 18941
all students, based on 25 hours per group of students per year at 18942
an hourly rate of ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 2008 and 18943
~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009, as follows: 18944

large-group intervention units X 25 hours X hourly rate 18945

Where: 18946

(a) "Large-group intervention units" equals the district's 18947
formula ADM divided by 20; 18948

(b) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 18949
2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009. 18950

(2) Base funding for professional development, phased in 18951
according to the following formula: 18952

district's teacher factor X 0.045 X 18953

formula amount X phase-in percentage 18954

Where: 18955

(a) For each school district, the district's "teacher factor" 18956
is the district's formula ADM divided by 17; 18957

(b) "Phase-in percentage" equals ~~0.25 in fiscal year 2006 and~~ 18958
~~0.75 in fiscal year 2007.~~ 18959

(3) Base funding for data-based decision making, calculated	18960
according to the following formula:	18961
0.001 X formula amount X formula ADM	18962
(4) Base funding for professional development regarding	18963
data-based decision making, calculated according to the following	18964
formula:	18965
(0.20 X the district's teacher factor X 0.08 X formula amount) +	18966
(the district's principal factor X	18967
0.08 X formula amount)	18968
Where:	18969
(a) For each school district, the district's "teacher factor"	18970
is the district's formula ADM divided by 17;	18971
(b) For each school district, the district's "principal	18972
factor" is the district's formula ADM divided by 340.	18973
(D) The general assembly intends that school districts spend	18974
the state funds calculated and paid for each component of the	18975
building blocks methodology described in divisions (B)(1) to (3)	18976
and (C)(1) to (4) of this section according to the purposes	18977
described in those divisions.	18978
Sec. 3317.013. Except for a handicapped preschool child for	18979
whom a scholarship has been awarded under section 3310.41 of the	18980
Revised Code, this section does not apply to handicapped preschool	18981
students.	18982
Analysis of special education cost data has resulted in a	18983
finding that the average special education additional cost per	18984
pupil, including the costs of related services, can be expressed	18985
as a multiple of the base cost per pupil calculated under section	18986
3317.012 of the Revised Code. The multiples for the following	18987
categories of special education programs, as these programs are	18988
defined for purposes of Chapter 3323. of the Revised Code, and	18989

adjusted as provided in this section, are as follows: 18990

(A) A multiple of 0.2892 for students whose primary or only 18991
identified handicap is a speech and language handicap, as this 18992
term is defined pursuant to Chapter 3323. of the Revised Code; 18993

(B) A multiple of 0.3691 for students identified as specific 18994
learning disabled or developmentally handicapped, as these terms 18995
are defined pursuant to Chapter 3323. of the Revised Code, or 18996
other health handicapped-minor; 18997

(C) A multiple of 1.7695 for students identified as hearing 18998
handicapped, vision impaired, or severe behavior handicapped, as 18999
these terms are defined pursuant to Chapter 3323. of the Revised 19000
Code; 19001

(D) A multiple of 2.3646 for students identified as 19002
orthopedically handicapped, as this term is defined pursuant to 19003
Chapter 3323. of the Revised Code or other health handicapped - 19004
major; 19005

(E) A multiple of 3.1129 for students identified as 19006
multihandicapped, as this term is defined pursuant to Chapter 19007
3323. of the Revised Code; 19008

(F) A multiple of 4.7342 for students identified as autistic, 19009
having traumatic brain injuries, or as both visually and hearing 19010
disabled, as these terms are defined pursuant to Chapter 3323. of 19011
the Revised Code. 19012

In fiscal ~~year 2004~~ years 2008 and 2009, the multiples 19013
specified in divisions (A) to (F) of this section ~~shall be~~ 19014
~~adjusted by multiplying them by 0.88. In fiscal years 2005, 2006,~~ 19015
~~and 2007, the multiples specified in those divisions shall be~~ 19016
adjusted by multiplying them by 0.90. 19017

Not later than the thirtieth day of ~~May~~ December in ~~2004,~~ 19018
~~2005, 2006, and 2007,~~ 2008, and 2009, the department shall submit 19019

to the office of budget and management a report that specifies for 19020
each city, local, exempted village, and joint vocational school 19021
district the fiscal year allocation of the state and local shares 19022
of special education and related services additional weighted 19023
funding and federal special education funds passed through to the 19024
district. 19025

Sec. 3317.014. The average vocational education additional 19026
cost per pupil can be expressed as a multiple of the base cost per 19027
pupil calculated under section 3317.012 of the Revised Code. ~~the~~ 19028
The multiples for the following categories of vocational education 19029
programs are as follows: 19030

(A) A multiple of 0.57 for students enrolled in vocational 19031
education job-training and workforce development programs approved 19032
by the department of education in accordance with rules adopted 19033
under section 3313.90 of the Revised Code. 19034

(B) A multiple of 0.28 for students enrolled in vocational 19035
education classes other than job-training and workforce 19036
development programs. 19037

Vocational education associated services costs can be 19038
expressed as a multiple of 0.05 of the base cost per pupil 19039
calculated under section 3317.012 of the Revised Code. 19040

~~The general assembly has adjusted the multiples specified in 19041
this section for calculating payments beginning in fiscal year 19042
2002 in recognition that its policy change regarding the 19043
application of the cost of doing business factor produces a higher 19044
base cost amount than would exist if no change were made to its 19045
application. The adjustment maintains the same weighted costs as 19046
would exist if no change were made to the application of the 19047
cost of doing business factor. 19048~~

~~The~~ By the thirtieth day of each December, the department of 19049

education shall ~~annually~~ report to the ~~governor~~ office of budget 19050
and management and the general assembly the amount of weighted 19051
funding for vocational education and associated services that ~~is~~ 19052
was spent by each city, local, exempted village, and joint 19053
vocational school district specifically for vocational educational 19054
and associated services during the previous fiscal year. 19055

Sec. 3317.015. (A) In addition to the information certified 19056
to the department of education and the office of budget and 19057
management under division (A) of section 3317.021 of the Revised 19058
Code, the tax commissioner shall, at the same time, certify the 19059
following information to the department and the office of budget 19060
and management for each city, exempted village, and local school 19061
district to be used for the same purposes as described under that 19062
division: 19063

(1) The taxable value of the school district's carryover 19064
property, as defined in section 319.301 of the Revised Code, for 19065
the preceding tax year; 19066

(2) The increase in such carryover value, if any, between the 19067
second preceding tax year and the preceding tax year as used in 19068
calculating the percentage reduction under section 319.301 of the 19069
Revised Code. 19070

(B) For each fiscal year the department of education shall 19071
calculate each school district's recognized valuation in the 19072
following manner: 19073

(1) For a school district located in a county in which a 19074
reappraisal or triennial update occurred in the preceding tax 19075
year, the recognized valuation equals the district's total taxable 19076
value for the preceding tax year minus two-thirds times the 19077
increase in the carryover value from the second preceding tax year 19078
to the preceding tax year. 19079

(2) For a school district located in a county in which a reappraisal or triennial update occurred in the second preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year minus one-third times the increase in the carryover value from the third preceding tax year to the second preceding tax year.

(3) For a school district located in a county in which a reappraisal or triennial update occurred in the third preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year.

Sec. 3317.016. In addition to its form SF-3, or any successor to that form, the department of education shall publish on its web site a spreadsheet for each school district that specifies the constituent components of the district's "building blocks" funds, as follows:

(A) For compensation of base classroom teachers, as described in division (B)(1) of section 3317.012 of the Revised Code, each spreadsheet shall specify the district's aggregate and per pupil amounts of state funds and of combined state and local funds, the average compensation decided by the general assembly for base classroom teachers, as specified in that division, and the number of base classroom teachers attributable to the district based on the student-teacher ratio decided by the general assembly, as specified in that division.

(B) Each spreadsheet shall specify the district's aggregate and per pupil amounts of state funds and of combined state and local funds for each of the following:

(1) Other personnel support, as described in division (B)(2) of section 3317.012 of the Revised Code;

(2) Nonpersonnel support, as described in division (B)(3) of

that section;	19110
(3) Academic intervention services, as described in division	19111
(C)(1) of that section;	19112
(4) Professional development, as described in division (C)(2)	19113
of that section;	19114
(5) Data-based decision making, as described in division	19115
(C)(3) of that section;	19116
(6) Professional development for data-based decision making,	19117
as described in division (C)(4) of that section.	19118
(C) Each spreadsheet shall separately specify the district's	19119
aggregate and per pupil state funds for each of the following	19120
components of poverty-based assistance under section 3317.029 of	19121
the Revised Code:	19122
(1) Poverty based assistance guarantee payment under division	19123
(B) of that section;	19124
(2) Academic intervention funding under division (C) of that	19125
section;	19126
(3) <u>(2)</u> All-day kindergarten under division (D) of that	19127
section;	19128
(4) Class size reduction <u>(3) Increased classroom learning</u>	19129
<u>opportunities</u> under division (E) of that section;	19130
(5) <u>(4)</u> Services to limited English proficient students under	19131
division (F) of that section;	19132
(6) <u>(5)</u> Professional development, under division (G) of that	19133
section;	19134
(7) <u>(6)</u> Dropout prevention under division (H) of that section;	19135
(8) <u>(7)</u> Community outreach under division (I) of that section;	19136
<u>(8) Assistance in closing the achievement gap under division</u>	19137
<u>(J) of that section.</u>	19138

Sec. 3317.017. (A) Not later than July 1, 2006, the superintendent of public instruction shall adopt a rule under which the superintendent may issue an order with respect to the spending, by a school district declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code, of the following state building block funds intended to pay instructional-related costs:

(1) State funds for compensation of base classroom teachers, as described in division (B)(1) of section 3317.012 of the Revised Code;

(2) State funds for academic intervention services under division (C)(1) of section 3317.012 and division (C) of section 3317.029 of the Revised Code;

(3) State funds for professional development under divisions (C)(2) and (4) of section 3317.012 and division (G) of section 3317.029 of the Revised Code;

(4) State funds for data based decision making under division (C)(3) of section 3317.012 of the Revised Code;

~~(5) The poverty based assistance guarantee payment under division (B) of section 3317.029 of the Revised Code;~~

~~(6)~~ State funds for all-day kindergarten under division (D) of section 3317.029 of the Revised Code;

~~(7)~~(6) State funds for ~~class size reduction~~ increased classroom learning opportunities under division (E) of section 3317.029 of the Revised Code;

~~(8)~~(7) State funds for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code;

~~(9)~~(8) State funds for dropout prevention under division (H) of section 3317.029 of the Revised Code;

~~(10)~~(9) State funds for community outreach under division (I) 19169
of section 3317.029 of the Revised Code; 19170

(10) State funds for assistance in closing the achievement 19171
gap under division (J) of section 3317.029 of the Revised Code. 19172

(B) The rule shall authorize the superintendent of public 19173
instruction to issue an order that does one or a combination of 19174
the following: 19175

(1) Requires the school district to periodically report to 19176
the superintendent of public instruction on its spending of the 19177
state funds paid for each building blocks component described in 19178
divisions (A)(1) to (10) of this section; 19179

(2) Requires the district to establish a separate account for 19180
each of the building blocks components described in divisions 19181
(A)(1) to (10) of this section to which the district shall credit 19182
the state funds paid for each; 19183

(3) Directs the district's spending of any or all of the 19184
state funds paid for the components described in divisions (A)(1) 19185
to (10) of this section in accordance with the descriptions and 19186
requirements of sections 3317.012 and 3317.029 of the Revised 19187
Code. 19188

(C) The rule shall specify situations in which the 19189
superintendent may issue an order and the types of orders the 19190
superintendent will issue for each of those situations. The rule, 19191
however, shall authorize the superintendent to issue orders in 19192
situations that are not enumerated or described in the rule. 19193

(D) The board of education of each school district to which 19194
the superintendent of public instruction issues an order pursuant 19195
to the rule adopted under this section shall comply with that 19196
order. 19197

Sec. 3317.02. As used in this chapter: 19198

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.

(B) "Formula amount" means the base cost for the fiscal year specified in division (B)(4) of section 3317.012 of the Revised Code.

(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM.

(D) "Formula ADM" means, for a city, local, or exempted village school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (A) of section 3317.03 of the Revised Code, and as adjusted, if so ordered, under division (K) of that section. "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (D) of section 3317.03 of the Revised Code. ~~Beginning in fiscal year 2007, for payments in which formula ADM is a factor, the formula ADM for each school district for the fiscal year is the sum of one half of the number reported for October of that fiscal year plus one half of the average of the numbers reported for October and February of that fiscal year, as adjusted, if so ordered, under division (K) of that section.~~

(E) "Three-year average formula ADM" means the average of formula ADMs for the ~~current and~~ preceding ~~two~~ three fiscal years.

(F)(1) "Category one special education ADM" means the average

daily membership of handicapped children receiving special 19230
education services for the handicap specified in division (A) of 19231
section 3317.013 of the Revised Code and reported under division 19232
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 19233
~~Beginning in fiscal year 2007, the district's category one special 19234~~
~~education ADM for a fiscal year is the sum of one half of the 19235~~
~~number reported for October of that fiscal year plus one half of 19236~~
~~the average of the numbers reported for October and February of 19237~~
~~that fiscal year. 19238~~

(2) "Category two special education ADM" means the average 19239
daily membership of handicapped children receiving special 19240
education services for those handicaps specified in division (B) 19241
of section 3317.013 of the Revised Code and reported under 19242
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 19243
Code. ~~Beginning in fiscal year 2007, the district's category two 19244~~
~~special education ADM for a fiscal year is the sum of one half of 19245~~
~~the number reported for October of that fiscal year plus one half 19246~~
~~of the average of the numbers reported for October and February of 19247~~
~~that fiscal year. 19248~~

(3) "Category three special education ADM" means the average 19249
daily membership of students receiving special education services 19250
for those handicaps specified in division (C) of section 3317.013 19251
of the Revised Code, and reported under division (B)(7) or 19252
(D)(2)(d) of section 3317.03 of the Revised Code. ~~Beginning in 19253~~
~~fiscal year 2007, the district's category three special education 19254~~
~~ADM for a fiscal year is the sum of one half of the number 19255~~
~~reported for October of that fiscal year plus one half of the 19256~~
~~average of the numbers reported for October and February of that 19257~~
~~fiscal year. 19258~~

(4) "Category four special education ADM" means the average 19259
daily membership of students receiving special education services 19260
for those handicaps specified in division (D) of section 3317.013 19261

of the Revised Code and reported under division (B)(8) or 19262
(D)(2)(e) of section 3317.03 of the Revised Code. ~~Beginning in~~ 19263
~~fiscal year 2007, the district's category four special education~~ 19264
~~ADM for a fiscal year is the sum of one half of the number~~ 19265
~~reported for October of that fiscal year plus one half of the~~ 19266
~~average of the numbers reported for October and February of that~~ 19267
~~fiscal year.~~ 19268

(5) "Category five special education ADM" means the average 19269
daily membership of students receiving special education services 19270
for the handicap specified in division (E) of section 3317.013 of 19271
the Revised Code and reported under division (B)(9) or (D)(2)(f) 19272
of section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19273
~~2007, the district's category five special education ADM for a~~ 19274
~~fiscal year is the sum of one half of the number reported for~~ 19275
~~October of that fiscal year plus one half of the average of the~~ 19276
~~numbers reported for October and February of that fiscal year.~~ 19277

(6) "Category six special education ADM" means the average 19278
daily membership of students receiving special education services 19279
for the handicap specified in division (F) of section 3317.013 of 19280
the Revised Code and reported under division (B)(10) or (D)(2)(g) 19281
of section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19282
~~2007, the district's category six special education ADM for a~~ 19283
~~fiscal year is the sum of one half of the number reported for~~ 19284
~~October of that fiscal year plus one half of the average of the~~ 19285
~~numbers reported for October and February of that fiscal year.~~ 19286

(7) "Category one vocational education ADM" means the average 19287
daily membership of students receiving vocational education 19288
services described in division (A) of section 3317.014 of the 19289
Revised Code and reported under division (B)(11) or (D)(2)(h) of 19290
section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19291
~~2007, the district's category one vocational education ADM for a~~ 19292
~~fiscal year is the sum of one half of the number reported for~~ 19293

~~October of that fiscal year plus one half of the average of the numbers reported for October and February of that fiscal year.~~ 19294
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(8) "Category two vocational education ADM" means the average daily membership of students receiving vocational education services described in division (B) of section 3317.014 of the Revised Code and reported under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code. ~~Beginning in fiscal year 2007, the district's category two vocational education ADM for a fiscal year is the sum of one half of the number reported for October of that fiscal year plus one half of the average of the numbers reported for October and February of that fiscal year.~~ 19296
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(G) "Handicapped preschool child" means a handicapped child, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten. 19305
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(H) "County MR/DD board" means a county board of mental retardation and developmental disabilities. 19310
19311

(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code. 19312
19313

~~(J) "Transportation ADM" means the number of children reported under division (B)(13) of section 3317.03 of the Revised Code.~~ 19314
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19316

~~(K) "Average efficient transportation use cost per student" means a statistical representation of transportation costs as calculated under division (D)(2) of section 3317.022 of the Revised Code.~~ 19317
19318
19319
19320

~~(L)~~ "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property. 19321
19322
19323
19324

~~(M)(K)~~ "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

~~(N)~~ "Cost of doing business factor" means the amount indicated in division (N)(1) or (2) of this section for the county in which a city, local, exempted village, or joint vocational school district is located. If a city, local, or exempted village school district is located in more than one county, the factor is the amount indicated for the county to which the district is assigned by the state department of education. If a joint vocational school district is located in more than one county, the factor is the amount indicated for the county in which the joint vocational school with the greatest formula ADM operated by the district is located.

~~(1)~~ In fiscal year 2006, the cost of doing business factor for each county is:

COST OF DOING BUSINESS		
COUNTY	FACTOR AMOUNT	
Adams	1.00233	19344
Allen	1.01373	19345
Ashland	1.01980	19346
Ashtabula	1.02647	19347
Athens	1.00093	19348
Auglaize	1.01647	19349
Belmont	1.00427	19350
Brown	1.01180	19351
Butler	1.04307	19352
Carroll	1.00913	19353
Champaign	1.02973	19354
Clark	1.02980	19355
Clermont	1.03607	19356

Clinton	1.02193	19357
Columbiana	1.01427	19358
Coshocton	1.01153	19359
Crawford	1.01093	19360
Cuyahoga	1.04173	19361
Darke	1.02253	19362
Defiance	1.00973	19363
Delaware	1.03520	19364
Erie	1.02587	19365
Fairfield	1.02440	19366
Fayette	1.02127	19367
Franklin	1.04053	19368
Fulton	1.0220	19369
Gallia	1.00000	19370
Geauga	1.03340	19371
Greene	1.02960	19372
Guernsey	1.00440	19373
Hamilton	1.05000	19374
Hancock	1.01433	19375
Hardin	1.02373	19376
Harrison	1.00493	19377
Henry	1.02120	19378
Highland	1.00987	19379
Hocking	1.01253	19380
Holmes	1.01187	19381
Huron	1.01953	19382
Jackson	1.00920	19383
Jefferson	1.00487	19384
Knox	1.01860	19385
Lake	1.03493	19386
Lawrence	1.00540	19387
Licking	1.02540	19388
Logan	1.02567	19389

Lorain	1.03433	19390
Lucas	1.02600	19391
Madison	1.03253	19392
Mahoning	1.02307	19393
Marion	1.02040	19394
Medina	1.03573	19395
Meigs	1.00173	19396
Mercer	1.01353	19397
Miami	1.02740	19398
Monroe	1.00333	19399
Montgomery	1.03020	19400
Morgan	1.00593	19401
Morrow	1.02007	19402
Muskingum	1.00847	19403
Noble	1.00487	19404
Ottawa	1.03240	19405
Paulding	1.00767	19406
Perry	1.01067	19407
Pickaway	1.02607	19408
Pike	1.00687	19409
Portage	1.03147	19410
Preble	1.02947	19411
Putnam	1.01440	19412
Richland	1.01327	19413
Ross	1.01007	19414
Sandusky	1.02140	19415
Scioto	1.00080	19416
Seneca	1.01487	19417
Shelby	1.01853	19418
Stark	1.01700	19419
Summit	1.03613	19420
Trumbull	1.02340	19421
Tuscarawas	1.00593	19422

Union	1.03333	19423
Van Wert	1.00887	19424
Vinton	1.00633	19425
Warren	1.04387	19426
Washington	1.00400	19427
Wayne	1.02320	19428
Williams	1.01520	19429
Wood	1.02400	19430
Wyandot	1.01140	19431

~~(2) In fiscal year 2007, the cost of doing business factor for each county is:~~

COST OF DOING BUSINESS		19434
COUNTY	FACTOR AMOUNT	19435
Adams	1.00117	19436
Allen	1.00687	19437
Ashland	1.00990	19438
Ashtabula	1.01323	19439
Athens	1.00047	19440
Auglaize	1.00823	19441
Belmont	1.00213	19442
Brown	1.00590	19443
Butler	1.02153	19444
Carroll	1.00457	19445
Champaign	1.01487	19446
Clark	1.01490	19447
Clermont	1.01803	19448
Clinton	1.01097	19449
Columbiana	1.00713	19450
Coshocton	1.00577	19451
Crawford	1.00547	19452
Cuyahoga	1.02087	19453
Darke	1.01127	19454
Defiance	1.00487	19455

Delaware	1.01760	19456
Erie	1.01293	19457
Fairfield	1.01220	19458
Fayette	1.01063	19459
Franklin	1.02027	19460
Fulton	1.01100	19461
Gallia	1.00000	19462
Geauga	1.01670	19463
Greene	1.01480	19464
Guernsey	1.00220	19465
Hamilton	1.02500	19466
Hancock	1.00717	19467
Hardin	1.01187	19468
Harrison	1.00247	19469
Henry	1.01060	19470
Highland	1.00493	19471
Hocking	1.00627	19472
Holmes	1.00593	19473
Huron	1.00977	19474
Jackson	1.00460	19475
Jefferson	1.00243	19476
Knox	1.00930	19477
Lake	1.01747	19478
Lawrence	1.00270	19479
Licking	1.01270	19480
Logan	1.01283	19481
Lorain	1.01717	19482
Lucas	1.01300	19483
Madison	1.01627	19484
Mahoning	1.01153	19485
Marion	1.01020	19486
Medina	1.01787	19487
Meigs	1.00087	19488

Mercer	1.00677	19489
Miami	1.01370	19490
Monroe	1.00167	19491
Montgomery	1.01510	19492
Morgan	1.00297	19493
Morrow	1.01003	19494
Muskingum	1.00423	19495
Noble	1.00243	19496
Ottawa	1.01620	19497
Paulding	1.00383	19498
Perry	1.00533	19499
Pickaway	1.01303	19500
Pike	1.00343	19501
Portage	1.01573	19502
Preble	1.01473	19503
Putnam	1.00720	19504
Richland	1.00663	19505
Ross	1.00503	19506
Sandusky	1.01070	19507
Scioto	1.00040	19508
Seneca	1.00743	19509
Shelby	1.00927	19510
Stark	1.00850	19511
Summit	1.01807	19512
Trumbull	1.01170	19513
Tuscarawas	1.00297	19514
Union	1.01667	19515
Van Wert	1.00443	19516
Vinton	1.00317	19517
Warren	1.02193	19518
Washington	1.00200	19519
Wayne	1.01160	19520
Williams	1.00760	19521

Wood	1-01200	19522
Wyandot	1-00570	19523

~~(O)~~(L) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.

~~(P)~~(M) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district.

~~(Q)~~(N) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education and the office of budget and management for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

~~(R)~~(O) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state.

~~(S)~~(P) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.

~~(T)~~(O) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a 19552
hospital, skilled nursing facility, or intermediate care facility 19553
for the mentally retarded. 19554

~~(U)~~(R) A child may be identified as "other health 19555
handicapped-major" if the child's condition meets the definition 19556
of "other health impaired" established in rules adopted by the 19557
state board of education prior to July 1, 2001, and if either of 19558
the following apply: 19559

(1) The child is identified as having a medical condition 19560
that is among those listed by the superintendent of public 19561
instruction as conditions where a substantial majority of cases 19562
fall within the definition of "medically fragile child." The 19563
superintendent of public instruction shall issue an initial list 19564
no later than September 1, 2001. 19565

(2) The child is determined by the superintendent of public 19566
instruction to be a medically fragile child. A school district 19567
superintendent may petition the superintendent of public 19568
instruction for a determination that a child is a medically 19569
fragile child. 19570

~~(V)~~(S) A child may be identified as "other health 19571
handicapped-minor" if the child's condition meets the definition 19572
of "other health impaired" established in rules adopted by the 19573
state board of education prior to July 1, 2001, but the child's 19574
condition does not meet either of the conditions specified in 19575
division ~~(U)~~(R)(1) or (2) of this section. 19576

~~(W)~~ "SF-3 payment" means the sum of the payments to a school 19577
district in a fiscal year under divisions (A), (C)(1), (C)(4), 19578
(D), (E), and (F) of section 3317.022, divisions (G), (L), and (N) 19579
of section 3317.024, and sections 3317.029, 3317.0216, 3317.0217, 19580
3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after 19581
making the adjustments required by sections 3313.981 and 3313.979 19582

of the Revised Code, ~~divisions (B), (C), (D), (E), (K), (L), (M), (N), and (O) of section 3317.023, and division (C) of section 3317.20~~ (T) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 19583
19584
19585
19586

~~(X)~~(U) "Property exemption value" means zero in fiscal year 19587
2006, and in fiscal year 2007 and each fiscal year thereafter, the 19588
amount certified for a school district under divisions (A)(6) and 19589
(7) of section 3317.021 of the Revised Code. 19590

(V) "Internet- or computer-based community school" has the 19591
same meaning as in section 3314.02 of the Revised Code. 19592

Sec. 3317.021. (A) On or before the first day of June of each 19593
year, the tax commissioner shall certify to the department of 19594
education and the office of budget and management the information 19595
described in divisions (A)(1) to (8) of this section for each 19596
city, exempted village, and local school district, and the 19597
information required by divisions (A)(1) and (2) of this section 19598
for each joint vocational school district, and it shall be used, 19599
along with the information certified under division (B) of this 19600
section, in making the computations for the district under 19601
sections 3317.022, 3317.0216, and 3317.0217 or section 3317.16 of 19602
the Revised Code. 19603

(1) The taxable value of real and public utility real 19604
property in the school district subject to taxation in the 19605
preceding tax year, by class and by county of location. 19606

(2) The taxable value of tangible personal property, 19607
including public utility personal property, subject to taxation by 19608
the district for the preceding tax year. 19609

(3)(a) The total property tax rate and total taxes charged 19610
and payable for the current expenses for the preceding tax year 19611
and the total property tax rate and the total taxes charged and 19612

payable to a joint vocational district for the preceding tax year 19613
that are limited to or to the extent apportioned to current 19614
expenses. 19615

(b) The portion of the amount of taxes charged and payable 19616
reported for each city, local, and exempted village school 19617
district under division (A)(3)(a) of this section attributable to 19618
a joint vocational school district. 19619

(4) The value of all real and public utility real property in 19620
the school district exempted from taxation minus both of the 19621
following: 19622

(a) The value of real and public utility real property in the 19623
district owned by the United States government and used 19624
exclusively for a public purpose; 19625

(b) The value of real and public utility real property in the 19626
district exempted from taxation under Chapter 725. or 1728. or 19627
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 19628
5709.73, or 5709.78 of the Revised Code. 19629

(5) The total federal adjusted gross income of the residents 19630
of the school district, based on tax returns filed by the 19631
residents of the district, for the most recent year for which this 19632
information is available. 19633

(6) The sum of the school district compensation value as 19634
indicated on the list of exempted property for the preceding tax 19635
year under section 5713.08 of the Revised Code as if such property 19636
had been assessed for taxation that year and the other 19637
compensation value for the school district, minus the amounts 19638
described in divisions (A)(6)(c) to (i) of this section. The 19639
portion of school district compensation value or other 19640
compensation value attributable to an incentive district exemption 19641
may be subtracted only once even if that incentive district 19642
satisfies more than one of the criteria in divisions (A)(6)(c) to 19643

(i) of this section. 19644

(a) "School district compensation value" means the aggregate 19645
value of real property in the school district exempted from 19646
taxation pursuant to an ordinance or resolution adopted under 19647
division (C) of section 5709.40, division (C) of section 5709.73, 19648
or division (B) of section 5709.78 of the Revised Code to the 19649
extent that the exempted value results in the charging of payments 19650
in lieu of taxes required to be paid to the school district under 19651
division (D)(1) or (2) of section 5709.40, division (D) of section 19652
5709.73, or division (C) of section 5709.78 of the Revised Code. 19653

(b) "Other compensation value" means the quotient that 19654
results from dividing (i) the dollar value of compensation 19655
received by the school district during the preceding tax year 19656
pursuant to division (B), (C), or (D) of section 5709.82 of the 19657
Revised Code and the amounts received pursuant to an agreement as 19658
specified in division (D)(2) of section 5709.40, division (D) of 19659
section 5709.73, or division (C) of section 5709.78 of the Revised 19660
Code to the extent those amounts were not previously reported or 19661
included in division (A)(6)(a) of this section, and so that any 19662
such amount is reported only once under division (A)(6)(b) of this 19663
section, in relation to exemptions from taxation granted pursuant 19664
to an ordinance or resolution adopted under division (C) of 19665
section 5709.40, division (C) of section 5709.73, or division (B) 19666
of section 5709.78 of the Revised Code, by (ii) the real property 19667
tax rate in effect for the preceding tax year for 19668
nonresidential/agricultural real property after making the 19669
reductions required by section 319.301 of the Revised Code. 19670

(c) The portion of school district compensation value or 19671
other compensation value that was exempted from taxation pursuant 19672
to such an ordinance or resolution for the preceding tax year, if 19673
the ordinance or resolution is adopted prior to January 1, 2006, 19674
and the legislative authority or board of township trustees or 19675

county commissioners, prior to January 1, 2006, executes a 19676
contract or agreement with a developer, whether for-profit or 19677
not-for-profit, with respect to the development of a project 19678
undertaken or to be undertaken and identified in the ordinance or 19679
resolution, and upon which parcels such project is being, or will 19680
be, undertaken; 19681

(d) The portion of school district compensation value that 19682
was exempted from taxation for the preceding tax year and for 19683
which payments in lieu of taxes for the preceding tax year were 19684
provided to the school district under division (D)(1) of section 19685
5709.40 of the Revised Code. 19686

(e) The portion of school district compensation value that 19687
was exempted from taxation for the preceding tax year pursuant to 19688
such an ordinance or resolution, if and to the extent that, on or 19689
before April 1, 2006, the fiscal officer of the municipal 19690
corporation that adopted the ordinance, or of the township or 19691
county that adopted the resolution, certifies and provides 19692
appropriate supporting documentation to the tax commissioner and 19693
the director of development that, based on hold-harmless 19694
provisions in any agreement between the school district and the 19695
legislative authority of the municipal corporation, board of 19696
township trustees, or board of county commissioners that was 19697
entered into on or before June 1, 2005, the ability or obligation 19698
of the municipal corporation, township, or county to repay bonds, 19699
notes, or other financial obligations issued or entered into prior 19700
to January 1, 2006, will be impaired, including obligations to or 19701
of any other body corporate and politic with whom the legislative 19702
authority of the municipal corporation or board of township 19703
trustees or county commissioners has entered into an agreement 19704
pertaining to the use of service payments derived from the 19705
improvements exempted; 19706

(f) The portion of school district compensation value that 19707

was exempted from taxation for the preceding tax year pursuant to 19708
such an ordinance or resolution, if the ordinance or resolution is 19709
adopted prior to January 1, 2006, in a municipal corporation with 19710
a population that exceeds one hundred thousand, as shown by the 19711
most recent federal decennial census, that includes a major 19712
employment center and that is adjacent to historically distressed 19713
neighborhoods, if the legislative authority of the municipal 19714
corporation that exempted the property prepares an economic 19715
analysis that demonstrates that all taxes generated within the 19716
incentive district accruing to the state by reason of improvements 19717
constructed within the district during its existence exceed the 19718
amount the state pays the school district under section 3317.022 19719
of the Revised Code attributable to such property exemption from 19720
the school district's recognized valuation. The analysis shall be 19721
submitted to and approved by the department of development prior 19722
to January 1, 2006, and the department shall not unreasonably 19723
withhold approval. 19724

(g) The portion of school district compensation value that 19725
was exempted from taxation for the preceding tax year under such 19726
an ordinance or resolution, if the ordinance or resolution is 19727
adopted prior to January 1, 2006, and if service payments have 19728
been pledged to be used for mixed-use riverfront entertainment 19729
development in any county with a population that exceeds six 19730
hundred thousand, as shown by the most recent federal decennial 19731
census; 19732

(h) The portion of school district compensation value that 19733
was exempted from taxation for the preceding tax year under such 19734
an ordinance or resolution, if, prior to January 1, 2006, the 19735
legislative authority of a municipal corporation, board of 19736
township trustees, or board of county commissioners has pledged 19737
service payments for a designated transportation capacity project 19738
approved by the transportation review advisory council under 19739

Chapter 5512. of the Revised Code; 19740

(i) The portion of school district compensation value that 19741
was exempted from taxation for the preceding tax year under such 19742
an ordinance or resolution if the legislative authority of a 19743
municipal corporation, board of township trustees, or board of 19744
county commissioners have, by January 1, 2006, pledged proceeds 19745
for designated transportation improvement projects that involve 19746
federal funds for which the proceeds are used to meet a local 19747
share match requirement for such funding. 19748

As used in division (A)(6) of this section, "project" has the 19749
same meaning as in section 5709.40 of the Revised Code. 19750

(7) The aggregate value of real property in the school 19751
district for which an exemption from taxation is granted by an 19752
ordinance or resolution adopted on or after January 1, 2006, under 19753
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 19754
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 19755
Code, as indicated on the list of exempted property for the 19756
preceding tax year under section 5713.08 of the Revised Code and 19757
as if such property had been assessed for taxation that year, 19758
minus the product determined by multiplying (a) the aggregate 19759
value of the real property in the school district exempted from 19760
taxation for the preceding tax year under any of the chapters or 19761
sections specified in this division, by (b) a fraction, the 19762
numerator of which is the difference between (i) the amount of 19763
anticipated revenue such school district would have received for 19764
the preceding tax year if the real property exempted from taxation 19765
had not been exempted from taxation and (ii) the aggregate amount 19766
of payments in lieu of taxes on the exempt real property for the 19767
preceding tax year and other compensation received for the 19768
preceding tax year by the school district pursuant to any 19769
agreements entered into on or after January 1, 2006, under section 19770
5709.82 of the Revised Code between the school district and the 19771

legislative authority of a political subdivision that acted under 19772
the authority of a chapter or statute specified in this division, 19773
that were entered into in relation to such exemption, and the 19774
denominator of which is the amount of anticipated revenue such 19775
school district would have received in the preceding fiscal year 19776
if the real property exempted from taxation had not been exempted. 19777

(8) For each school district receiving payments under 19778
division (B) or (C) of section 3317.0216 of the Revised Code 19779
during the current fiscal year, as included on the most recent 19780
list of such districts sent to the tax commissioner under division 19781
(F) of that section, the following: 19782

(a) The portion of the total amount of taxes charged and 19783
payable for current expenses certified under division (A)(3)(a) of 19784
this section that is attributable to each new levy approved and 19785
charged in the preceding tax year and the respective tax rate of 19786
each of those new levies; 19787

(b) The portion of the total taxes collected for current 19788
expenses under a school district income tax adopted pursuant to 19789
section 5748.03 or 5748.08 of the Revised Code, as certified under 19790
division (A)(2) of section 3317.08 of the Revised Code, that is 19791
attributable to each new school district income tax first 19792
effective in the current taxable year or in the preceding taxable 19793
year. 19794

(B) On or before the first day of May each year, the tax 19795
commissioner shall certify to the department of education and the 19796
office of budget and management the total taxable real property 19797
value of railroads and, separately, the total taxable tangible 19798
personal property value of all public utilities for the preceding 19799
tax year, by school district and by county of location. 19800

(C) If a public utility has properly and timely filed a 19801
petition for reassessment under section 5727.47 of the Revised 19802

Code with respect to an assessment issued under section 5727.23 of 19803
the Revised Code affecting taxable property apportioned by the tax 19804
commissioner to a school district, the taxable value of public 19805
utility tangible personal property included in the certification 19806
under divisions (A)(2) and (B) of this section for the school 19807
district shall include only the amount of taxable value on the 19808
basis of which the public utility paid tax for the preceding year 19809
as provided in division (B)(1) or (2) of section 5727.47 of the 19810
Revised Code. 19811

(D) If on the basis of the information certified under 19812
division (A) of this section, the department determines that any 19813
district fails in any year to meet the qualification requirement 19814
specified in division (A) of section 3317.01 of the Revised Code, 19815
the department shall immediately request the tax commissioner to 19816
determine the extent to which any school district income tax 19817
levied by the district under Chapter 5748. of the Revised Code 19818
shall be included in meeting that requirement. Within five days of 19819
receiving such a request from the department, the tax commissioner 19820
shall make the determination required by this division and report 19821
the quotient obtained under division (D)(3) of this section to the 19822
department and the office of budget and management. This quotient 19823
represents the number of mills that the department shall include 19824
in determining whether the district meets the qualification 19825
requirement of division (A) of section 3317.01 of the Revised 19826
Code. 19827

The tax commissioner shall make the determination required by 19828
this division as follows: 19829

(1) Multiply one mill times the total taxable value of the 19830
district as determined in divisions (A)(1) and (2) of this 19831
section; 19832

(2) Estimate the total amount of tax liability for the 19833
current tax year under taxes levied by Chapter 5748. of the 19834

Revised Code that are apportioned to current operating expenses of 19835
the district; 19836

(3) Divide the amount estimated under division (D)(2) of this 19837
section by the product obtained under division (D)(1) of this 19838
section. 19839

(E)(1) On or before June 1, 2006, and the first day of April 19840
of each year thereafter, the director of development shall report 19841
to the department of education ~~and~~, the tax commissioner, and the 19842
director of budget and management the total amounts of payments 19843
received by each city, local, exempted village, or joint 19844
vocational school district for the preceding tax year pursuant to 19845
division (D) of section 5709.40, division (D) of section 5709.73, 19846
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 19847
or (D) of section 5709.82 of the Revised Code in relation to 19848
exemptions from taxation granted pursuant to an ordinance adopted 19849
by the legislative authority of a municipal corporation under 19850
division (C) of section 5709.40 of the Revised Code, or a 19851
resolution adopted by a board of township trustees or board of 19852
county commissioners under division (C) of section 5709.73 or 19853
division (B) of section 5709.78 of the Revised Code, respectively. 19854
On or before April 1, 2006, and the first day of March of each 19855
year thereafter, the treasurer of each city, local, exempted 19856
village, or joint vocational school district that has entered into 19857
such an agreement shall report to the director of development the 19858
total amounts of such payments the district received for the 19859
preceding tax year as provided in this section. The state board of 19860
education, in accordance with sections 3319.31 and 3319.311 of the 19861
Revised Code, may suspend or revoke the license of a treasurer 19862
found to have willfully reported erroneous, inaccurate, or 19863
incomplete data under this division. 19864

(2) On or before April 1, 2007, and the first day of April of 19865
each year thereafter, the director of development shall report to 19866

the department of education ~~and to,~~ the tax commissioner, and the 19867
director of budget and management the total amounts of payments 19868
received by each city, local, exempted village, or joint 19869
vocational school district for the preceding tax year pursuant to 19870
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 19871
in relation to exemptions from taxation granted pursuant to 19872
ordinances or resolutions adopted on or after January 1, 2006, 19873
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 19874
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 19875
Revised Code. On or before March 1, 2007, and the first day of 19876
March of each year thereafter, the treasurer of each city, local, 19877
exempted village, or joint vocational school district that has 19878
entered into such an agreement shall report to the director of 19879
development the total amounts of such payments the district 19880
received for the preceding tax year as provided by this section. 19881
The state board of education, in accordance with sections 3319.31 19882
and 3319.311 of the Revised Code, may suspend or revoke the 19883
license of a treasurer found to have willfully reported erroneous, 19884
inaccurate, or incomplete data under this division. 19885

Sec. 3317.022. (A)~~(1)~~ The department of education shall 19886
compute and distribute state base cost funding to each eligible 19887
school district for the fiscal year using the ~~information obtained~~ 19888
~~under section 3317.021 of the Revised Code in the calendar year in~~ 19889
~~which the fiscal year begins.~~ 19890

~~(1) Compute the following for each eligible district formula:~~ 19891
 ~~{[cost of doing business factor X~~ 19892
 the formula amount X (formula ADM + 19893
 preschool scholarship ADM)] + 19894
the sum of the base funding supplements 19895
prescribed in divisions (C)(1) to (4) 19896
of section 3317.012 of the Revised Code} - 19897

[.023 x (the sum of recognized valuation 19898
and property exemption value)] ± 19899
the amounts calculated for the district under 19900
sections 3317.029 and 3317.0217 of the Revised Code 19901

If the difference obtained is a negative number, the 19902
district's computation shall be zero. 19903

~~(2) Compute both of the following for each school district:~~ 19904

~~(a) The difference of (i) the district's fiscal year 2005 19905
base cost payment under the version of division (A)(1) of this 19906
section in effect in fiscal year 2005, minus (ii) the amount 19907
computed for the district for the current fiscal year under 19908
current division (A)(1) of this section;~~ 19909

~~(b) The following amount:~~ 19910

~~{(fiscal year 2005 base cost payment/fiscal 19911
year 2005 formula ADM) X 19912
(current year formula ADM + preschool scholarship ADM)} 19913
minus the amount computed for the district 19914
under current division (A)(1) of this section 19915~~

~~If one of the amounts computed under division (A)(2)(a) or 19916
(b) of this section is a positive amount, the department shall pay 19917
the district that amount in addition to the amount calculated 19918
under division (A)(1) of this section. If both amounts are 19919
positive amounts, the department shall pay the district the lesser 19920
of the two amounts in addition to the amount calculated under 19921
division (A)(1) of this section. 19922~~

~~(3)(a) For each school district for which the tax exempt 19923
value of the district equals or exceeds twenty-five per cent of 19924
the potential value of the district, the department of education 19925
shall calculate the difference between the district's tax exempt 19926
value and twenty-five per cent of the district's potential value. 19927~~

~~(b) For each school district to which division (A)(3)(2)(a) 19928~~

of this section applies, the department shall adjust the 19929
recognized valuation used in the calculation under division (A)(1) 19930
of this section by subtracting from it the amount calculated under 19931
division (A)~~(3)~~(2)(a) of this section. 19932

(B) As used in this section: 19933

(1) The "total special education weight" for a district means 19934
the sum of the following amounts: 19935

(a) The district's category one special education ADM 19936
multiplied by the multiple specified in division (A) of section 19937
3317.013 of the Revised Code; 19938

(b) The district's category two special education ADM 19939
multiplied by the multiple specified in division (B) of section 19940
3317.013 of the Revised Code; 19941

(c) The district's category three special education ADM 19942
multiplied by the multiple specified in division (C) of section 19943
3317.013 of the Revised Code; 19944

(d) The district's category four special education ADM 19945
multiplied by the multiple specified in division (D) of section 19946
3317.013 of the Revised Code; 19947

(e) The district's category five special education ADM 19948
multiplied by the multiple specified in division (E) of section 19949
3317.013 of the Revised Code; 19950

(f) The district's category six special education ADM 19951
multiplied by the multiple specified in division (F) of section 19952
3317.013 of the Revised Code. 19953

(2) "State share percentage" means the percentage calculated 19954
for a district as follows: 19955

(a) Calculate the state base cost funding amount for the 19956
district for the fiscal year under division (A) of this section. 19957
If the district would not receive any state base cost funding for 19958

that year under that division, the district's state share percentage is zero. 19959
19960

(b) If the district would receive state base cost funding under that division, divide that amount by an amount equal to the following: 19961
19962
19963

~~(Cost of doing business factor X~~ 19964
the formula amount X formula ADM) + 19965
the sum of the base funding supplements 19966
prescribed in divisions (C)(1) to (4) 19967
of section 3317.012 of the Revised Code ± 19968
the sum of the amounts calculated for the district under 19969
sections 3317.029 and 3317.0217 of the Revised Code 19970

The resultant number is the district's state share percentage. 19971
19972

(3) "Related services" includes: 19973

(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for handicapped children whose handicaps are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department; 19974
19975
19976
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(b) Speech and language services provided to any student with a handicap, including any student whose primary or only handicap is a speech and language handicap; 19982
19983
19984

(c) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services; 19985
19986
19987

(d) Any service included in units funded under former division (O)(1) of section ~~3317.023~~ 3317.024 of the Revised Code; 19988
19989

(e) Any other related service needed by handicapped children in accordance with their individualized education plans.	19990 19991
(4) The "total vocational education weight" for a district means the sum of the following amounts:	19992 19993
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	19994 19995 19996
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.	19997 19998 19999
(5) "Preschool scholarship ADM" means the number of handicapped preschool children reported under division (B)(3) (h) <u>(g)</u> of section 3317.03 of the Revised Code.	20000 20001 20002
(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:	20003 20004 20005 20006
The district's state share percentage X	20007
the formula amount for the year for which	20008
the aid is calculated X the district's	20009
total special education weight	20010
(2) The attributed local share of special education and related services additional weighted costs equals:	20011 20012
(1 - the district's state share percentage) X the district's	20013
total special education weight X the formula amount	20014
(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district	20015 20016 20017 20018 20019 20020

may submit to the superintendent of public instruction 20021
documentation, as prescribed by the superintendent, of all its 20022
costs for that student. Upon submission of documentation for a 20023
student of the type and in the manner prescribed, the department 20024
shall pay to the district an amount equal to the sum of the 20025
following: 20026

(i) One-half of the district's costs for the student in 20027
excess of the threshold catastrophic cost; 20028

(ii) The product of one-half of the district's costs for the 20029
student in excess of the threshold catastrophic cost multiplied by 20030
the district's state share percentage. 20031

(b) For purposes of division (C)(3)(a) of this section, the 20032
threshold catastrophic cost for serving a student equals: 20033

(i) For a student in the school district's category two, 20034
three, four, or five special education ADM, ~~twenty five thousand~~ 20035
~~dollars in fiscal year 2002, twenty five thousand seven hundred~~ 20036
~~dollars in fiscal years 2003, 2004, and 2005, and twenty six~~ 20037
~~thousand five hundred dollars in fiscal years 2006 and 2007~~ 20038
twenty-seven thousand three hundred seventy-five dollars in fiscal 20039
years 2008 and 2009; 20040

(ii) For a student in the district's category six special 20041
education ADM, ~~thirty thousand dollars in fiscal year 2002, thirty~~ 20042
~~thousand eight hundred forty dollars in fiscal years 2003, 2004,~~ 20043
~~and 2005, and thirty one thousand eight hundred dollars in fiscal~~ 20044
~~years 2006 and 2007~~ thirty-two thousand eight hundred fifty 20045
dollars in fiscal years 2008 and 2009. 20046

(c) The district shall only report under division (C)(3)(a) 20047
of this section, and the department shall only pay for, the costs 20048
of educational expenses and the related services provided to the 20049
student in accordance with the student's individualized education 20050
program. Any legal fees, court costs, or other costs associated 20051

with any cause of action relating to the student may not be 20052
included in the amount. 20053

(4)(a) As used in this division, the "personnel allowance" 20054
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 20055
~~2005, 2006, and 2007~~ 2008 and 2009. 20056

(b) For the provision of speech language pathology services 20057
to students, including students who do not have individualized 20058
education programs prepared for them under Chapter 3323. of the 20059
Revised Code, and for no other purpose, the department of 20060
education shall pay each school district an amount calculated 20061
under the following formula: 20062

(formula ADM divided by 2000) X 20063
the personnel allowance X 20064
the state share percentage 20065

(5) In any fiscal year, a school district shall spend for 20066
purposes that the department designates as approved for special 20067
education and related services expenses at least the amount 20068
calculated as follows: 20069

~~(cost of doing business factor X~~ 20070
formula amount X the sum of categories 20071
one through six special education ADM) + 20072
(total special education weight X formula amount) 20073

The purposes approved by the department for special education 20074
expenses shall include, but shall not be limited to, 20075
identification of handicapped children, compliance with state 20076
rules governing the education of handicapped children and 20077
prescribing the continuum of program options for handicapped 20078
children, provision of speech language pathology services, and the 20079
portion of the school district's overall administrative and 20080
overhead costs that are attributable to the district's special 20081
education student population. 20082

The scholarships deducted from the school district's account 20083
under section 3310.41 of the Revised Code shall be considered to 20084
be an approved special education and related services expense for 20085
the purpose of the school district's compliance with division 20086
(C)(5) of this section. 20087

The department shall require school districts to report data 20088
annually to allow for monitoring compliance with division (C)(5) 20089
of this section. The department shall annually report to the 20090
governor and the general assembly the amount of money spent by 20091
each school district for special education and related services. 20092

(6) In any fiscal year, a school district shall spend for the 20093
provision of speech language pathology services not less than the 20094
sum of the amount calculated under division (C)(1) of this section 20095
for the students in the district's category one special education 20096
ADM and the amount calculated under division (C)(4) of this 20097
section. 20098

(D)(1) As used in this division: 20099

~~(a) "Daily bus miles per student" equals the number of bus 20100
miles traveled per day, divided by transportation base. 20101~~

~~(b) "Transportation base" equals total student count as 20102
defined in section 3301.011 of the Revised Code, minus the number 20103
of students enrolled in preschool handicapped units, plus the 20104
number of nonpublic school students included in transportation 20105
ADM. 20106~~

~~(c) "Transported student percentage" equals transportation 20107
ADM divided by transportation base. 20108~~

~~(d) "Transportation cost per student" equals total operating 20109
costs for board owned or contractor operated school buses divided 20110
by transportation base. 20111~~

~~(2) Analysis of student transportation cost data has resulted 20112~~

~~in a finding that an average efficient transportation use cost per student can be calculated by means of a regression formula that has as its two independent variables the number of daily bus miles per student and the transported student percentage. For fiscal year 1998 transportation cost data, the average efficient transportation use cost per student is expressed as follows:~~

$$\begin{aligned} & \del{51.79027 + (139.62626 \times \text{daily bus miles per student}) +} \\ & \del{(116.25573 \times \text{transported student percentage})} \end{aligned}$$

~~The department of education shall annually determine the average efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the regression formula modeled in this division, based on an annual statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported student percentage, and transportation cost per student data, from the prior fiscal year. The department shall notify the office of budget and management of such update by the fifteenth day of February of each year.~~

~~(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a percentage of the product of the district's transportation base from the prior fiscal year times the annually updated average efficient transportation use cost per student, times an inflation factor of two and eight tenths per cent to account for the one year difference between the data used in updating the formula and calculating the payment and the year in which the payment is made. The percentage shall be the following percentage of that product specified for the corresponding fiscal year:~~

FISCAL YEAR	PERCENTAGE	
2000	52.5%	20145
2001	55%	20146
2002	57.5%	20147
2003 and thereafter	The greater of 60% or the district's state share percentage	20148 20149

~~The payments made under division (D)(3) of this section each year shall be calculated based on all of the same prior year's data used to update the formula.~~ 20150
20151
20152

~~(4) In addition to funds paid under divisions (D)(2) and (3) of this section, a school district shall receive a rough road subsidy if both of the following apply:~~ 20153
20154
20155

~~(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section;~~ 20156
20157
20158

~~(b) Its district student density is lower than the statewide student density, as those terms are defined in that division.~~ 20159
20160

~~(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula:~~ 20161
20162
20163

$$\begin{aligned} & \text{(per rough mile subsidy X total rough road miles)} && 20164 \\ & \quad \quad \quad \text{X density multiplier} && 20165 \end{aligned}$$

~~where:~~ 20166

~~(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:~~ 20167
20168

$$\begin{aligned} & 0.75 \text{ — } \{0.75 \text{ X } [(\text{maximum rough road percentage —} && 20169 \\ & \text{county rough road percentage) / (maximum rough road} && 20170 \\ & \text{percentage — statewide rough road percentage)}]\} && 20171 \end{aligned}$$

~~(i) "Maximum rough road percentage" means the highest county rough road percentage in the state.~~ 20172
20173

~~(ii) "County rough road percentage" equals the percentage of the mileage of state, municipal, county, and township roads that is rated by the department of transportation as type A, B, C, E2, or F in the county in which the school district is located or, if the district is located in more than one county, the county to which it is assigned for purposes of determining its cost of doing business factor.~~

~~(iii) "Statewide rough road percentage" means the percentage of the statewide total mileage of state, municipal, county, and township roads that is rated as type A, B, C, E2, or F by the department of transportation.~~

~~(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage.~~

~~(c) "Density multiplier" means a figure calculated in accordance with the following formula:~~

$$\frac{1}{\left[\frac{\text{minimum student density} - \text{district student density}}{\text{minimum student density} - \text{statewide student density}} \right]}$$

~~(i) "Minimum student density" means the lowest district student density in the state.~~

~~(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district.~~

~~(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts.~~

(6)(a) "Total cost of transportation" is equal to the cost of transporting qualifying riders using the following types of transportation:

<u>(i) Board-owned, leased, and operated school buses;</u>	20204
<u>(ii) School bus service contracted from another school,</u>	20205
<u>including transportation in a consortium arrangement on buses</u>	20206
<u>managed and reported by another district or entity;</u>	20207
<u>(iii) Contractor-owned, leased, and operated school buses.</u>	20208
<u>(b) "Qualifying riders" are students transported living over</u>	20209
<u>one mile from school in grades kindergarten through twelve,</u>	20210
<u>including students with dual enrollment in a joint vocational or</u>	20211
<u>cooperative education district, nonpublic school students, and</u>	20212
<u>community school students. Only students eligible for a</u>	20213
<u>transportation payment under section 3327.01 of the Revised Code</u>	20214
<u>shall be included in this count. This count shall be determined as</u>	20215
<u>the average number of students transported during the first full</u>	20216
<u>week of October, and reported as required by the department of</u>	20217
<u>education. Adjustments to this count may be made only in</u>	20218
<u>accordance with rules adopted by the department.</u>	20219
<u>(c) "Nontraditional riders" are those qualifying riders being</u>	20220
<u>educated in a community school or a nonpublic school.</u>	20221
<u>(d) "Total miles" is the total miles driven for all types of</u>	20222
<u>transportation as listed under division (D)(1)(a) of this section.</u>	20223
<u>(e) "Transportation state share percentage" is the district's</u>	20224
<u>state share percentage, as defined in division (B)(2) of this</u>	20225
<u>section, as determined by the department for the district's second</u>	20226
<u>June state education aid payment of the previous fiscal year.</u>	20227
<u>(f) "Assigned bus" means a bus used for transporting regular</u>	20228
<u>education qualifying riders.</u>	20229
<u>(2) For each school district, the department shall determine</u>	20230
<u>the statewide average cost per student as follows:</u>	20231
<u>(a) Determine the district's cost per student by dividing the</u>	20232
<u>total costs of transportation in the previous fiscal year by total</u>	20233

<u>qualifying riders in the previous fiscal year for each district.</u>	20234
<u>(b) Exclude from the determination under division (D)(2)(a)</u>	20235
<u>of this section the ten districts with the highest cost per</u>	20236
<u>student and the ten districts with the lowest cost per student.</u>	20237
<u>(c) After excluding the districts as prescribed in division</u>	20238
<u>(D)(2)(b) of this section, determine the statewide average cost</u>	20239
<u>per student by dividing the aggregate statewide total costs of</u>	20240
<u>transportation by the aggregate statewide total qualifying riders.</u>	20241
<u>(3) For each school district, the department shall determine</u>	20242
<u>the statewide average cost per mile as follows:</u>	20243
<u>(a) Determine the district's cost per mile by dividing the</u>	20244
<u>total costs of transportation in the previous fiscal year by the</u>	20245
<u>total miles in the previous fiscal year for each district.</u>	20246
<u>(b) Exclude from the determination made under division</u>	20247
<u>(D)(3)(a) of this section, the ten districts with the highest cost</u>	20248
<u>per mile and the ten districts with the lowest cost per mile.</u>	20249
<u>(c) After excluding the districts as prescribed in division</u>	20250
<u>(D)(3)(b) of this section, determine the statewide average cost</u>	20251
<u>per mile by dividing the aggregate statewide total miles for all</u>	20252
<u>districts by the aggregate statewide total qualifying riders.</u>	20253
<u>(4) For each school district, the department shall determine</u>	20254
<u>each district's base calculation as follows:</u>	20255
<u>(a) Determine the per student base by multiplying the state</u>	20256
<u>average cost per student as determined under division (D)(2)(a) of</u>	20257
<u>this section by the district's current year total qualifying</u>	20258
<u>riders.</u>	20259
<u>(b) Determine the per mile base by multiplying the state</u>	20260
<u>average cost per mile as determined under division (D)(3)(a) of</u>	20261
<u>this section by the district's current year total miles.</u>	20262
<u>(c) Determine the current year base by multiplying the</u>	20263

greater of the amount determined under division (D)(4)(a) or (b) 20264
of this section by the greater of sixty per cent or the district's 20265
transportation state share percentage as defined under division 20266
(D)(1) of this section. 20267

(5) For each school district, the department calculate the 20268
district's nontraditional student adjustment as follows: 20269

(a) Determine the district's nontraditional student ratio by 20270
dividing total nontraditional riders by total qualifying riders. 20271

(b) Multiply the ratio determined under division (D)(5)(a) of 20272
this section by 0.1. 20273

(c) Multiply the product calculated under division (D)(5)(b) 20274
of this section by the district's current year base. 20275

(6) If a district provides any of the types of transportation 20276
listed in division (D)(1)(a) of this section to all of its high 20277
school students, the department shall multiply the district's 20278
current year base by 0.025. 20279

(7) If a district provides any of the types of transportation 20280
listed in division (D)(1)(a) of this section to students in grades 20281
kindergarten to eight living less than two miles from school but 20282
greater than one mile from school, the district's current year 20283
base shall be multiplied by 0.025. 20284

(8) For each school district, the department shall calculate 20285
an adjustment based upon efficiency. "Efficiency" means the 20286
ability to exceed a target number of riders per assigned bus. The 20287
target value shall be recalculated each year based upon current 20288
year data, and based upon the median riders per assigned bus. 20289

(a) Each district's efficiency target shall be adjusted based 20290
upon its ridership density, using a formula that compares its 20291
ridership density with other districts, and adjusts the ridership 20292
target based upon that relative density. 20293

(b) The efficiency index for each district shall be 20294
determined by dividing each district's current year qualifying 20295
riders per assigned bus by its target riders per assigned bus. 20296

(c) The efficiency adjustment for each district shall be as 20297
follows: 20298

(i) If the district's efficiency index is greater than or 20299
equal to 1.5, the efficiency adjustment is ten per cent times the 20300
current year base. 20301

(ii) If the district's efficiency index is less than 1.5 but 20302
greater than or equal to 1.0, the district's efficiency adjustment 20303
is as follows: 20304

[(the district's efficiency index minus one) divided by five] 20305
times the current year base. 20306

(iii) If the district's efficiency index is less than 1.0, 20307
the district's efficiency adjustment is zero. 20308

(d) The department shall publish on its web site the 20309
efficiency index for each district and the details of how the 20310
index was calculated. 20311

(9) Each district shall be paid the lesser of the amount 20312
described in division (D)(9)(a) or (b) of this section: 20313

(a) The sum of the amounts determined under divisions 20314
(D)(4)(c), (5)(c), (6), (7), and (8)(c) of this section; 20315

(b) The district's total actual cost from the prior fiscal 20316
year. 20317

(10) In addition to funds paid under ~~divisions (D)(2) to (5)~~ 20318
division (D)(9) of this section, each district shall receive in 20319
accordance with rules adopted by the state board of education a 20320
payment for students transported by means other than board-owned 20321
or contractor-operated buses and whose transportation is not 20322
funded under division (G) of section 3317.024 of the Revised Code. 20323

The rules shall include provisions for school district reporting of such students. 20324
20325

(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula: 20326
20327
20328

state share percentage X 20329
the formula amount X 20330
total vocational education weight 20331

In any fiscal year, a school district receiving funds under division (E)(1) of this section shall spend those funds only for the purposes that the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (E)(1) of this section may be spent. 20332
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(2) The department shall compute for each school district state funds for vocational education associated services in accordance with the following formula: 20343
20344
20345

state share percentage X .05 X the formula amount X 20346
the sum of categories one and two vocational education ADM 20347

In any fiscal year, a school district receiving funds under division (E)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for vocational education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other vocational education services, vocational evaluation, and other purposes 20348
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designated by the department. The department may deny payment 20356
under division (E)(2) of this section to any district that the 20357
department determines is not operating those services or is using 20358
funds paid under division (E)(2) of this section, or through a 20359
transfer of funds pursuant to division (L) of section 3317.023 of 20360
the Revised Code, for other purposes. 20361

(F) The actual local share in any fiscal year for the 20362
combination of special education and related services additional 20363
weighted costs funding calculated under division (C)(1) of this 20364
section, transportation funding calculated under divisions (D)(2) 20365
and (3) of this section, and vocational education and associated 20366
services additional weighted costs funding calculated under 20367
divisions (E)(1) and (2) of this section shall not exceed for any 20368
school district the product of three and three-tenths mills times 20369
the district's recognized valuation. The department annually shall 20370
pay each school district as an excess cost supplement any amount 20371
by which the sum of the district's attributed local shares for 20372
that funding exceeds that product. For purposes of calculating the 20373
excess cost supplement: 20374

(1) The attributed local share for special education and 20375
related services additional weighted costs funding is the amount 20376
specified in division (C)(2) of this section. 20377

(2) The attributed local share of transportation funding 20378
~~equals the difference of the total amount calculated for the~~ 20379
~~district using the formula developed under division (D)(2) of this~~ 20380
~~section minus the actual amount paid to the district after~~ 20381
~~applying the percentage specified in division (D)(3) of this~~ 20382
~~section~~ one hundred one per cent of the district's local share of 20383
transportation funding calculated by the department for the 20384
previous fiscal year. 20385

(3) The attributed local share of vocational education and 20386
associated services additional weighted costs funding is the 20387

amount determined as follows: 20388
 (1 - state share percentage) X 20389
 [(total vocational education weight X 20390
 the formula amount) + the payment under 20391
 division (E)(2) of this section] 20392

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 20393
Revised Code, the amounts required to be paid to a district under 20394
this chapter shall be adjusted by the amount of the computations 20395
made under divisions (B) to (O) of this section. 20396

As used in this section: 20397

(1) "Classroom teacher" means a licensed employee who 20398
provides direct instruction to pupils, excluding teachers funded 20399
from money paid to the district from federal sources; educational 20400
service personnel; and vocational and special education teachers. 20401

(2) "Educational service personnel" shall not include such 20402
specialists funded from money paid to the district from federal 20403
sources or assigned full-time to vocational or special education 20404
students and classes and may only include those persons employed 20405
in the eight specialist areas in a pattern approved by the 20406
department of education under guidelines established by the state 20407
board of education. 20408

(3) "Annual salary" means the annual base salary stated in 20409
the state minimum salary schedule for the performance of the 20410
teacher's regular teaching duties that the teacher earns for 20411
services rendered for the first full week of October of the fiscal 20412
year for which the adjustment is made under division (C) of this 20413
section. It shall not include any salary payments for supplemental 20414
teachers contracts. 20415

(4) "Regular student population" means the formula ADM plus 20416
the number of students reported as enrolled in the district 20417

pursuant to division (A)(1) of section 3313.981 of the Revised Code; minus the number of students reported under division (A)(2) of section 3317.03 of the Revised Code; minus the FTE of students reported under division (B)(6), (7), (8), (9), (10), (11), or (12) of that section who are enrolled in a vocational education class or receiving special education; and minus twenty per cent of the students enrolled concurrently in a joint vocational school district.

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

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

(7) "Lead district" means a school district, including a joint vocational school district, designated by the department as a VEPD, or designated to provide primary vocational education leadership within a VEPD composed of a group of districts.

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

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

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

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

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

teachers by: 20448

(1) The mean annual salary of all full-time equivalent 20449
classroom teachers employed by the district at their respective 20450
training and experience levels minus; 20451

(2) The mean annual salary of all such teachers at their 20452
respective levels in all school districts receiving payments under 20453
this section. 20454

The number of full-time equivalent classroom teachers used in 20455
this computation shall not exceed one twenty-fifth of the 20456
district's regular student population. In calculating the 20457
district's mean salary under this division, those full-time 20458
equivalent classroom teachers with the highest training level 20459
shall be counted first, those with the next highest training level 20460
second, and so on, in descending order. Within the respective 20461
training levels, teachers with the highest years of service shall 20462
be counted first, the next highest years of service second, and so 20463
on, in descending order. 20464

(D) This division does not apply to a school district that 20465
has entered into an agreement under division (A) of section 20466
3313.42 of the Revised Code. Deduct the amount obtained from the 20467
following computations if the district employs fewer than five 20468
full-time equivalent educational service personnel, including 20469
elementary school art, music, and physical education teachers, 20470
counselors, librarians, visiting teachers, school social workers, 20471
and school nurses for each one thousand pupils in the regular 20472
student population: 20473

(1) Divide the number of full-time equivalent educational 20474
service personnel employed by the district by five 20475
one-thousandths; 20476

(2) Subtract the quotient in (1) from the district's regular 20477
student population; 20478

(3) Multiply the difference in (2) by ninety-four dollars. 20479

(E) If a local school district, or a city or exempted village 20480
school district to which a governing board of an educational 20481
service center provides services pursuant to section 3313.843 of 20482
the Revised Code, deduct the amount of the payment required for 20483
the reimbursement of the governing board under section 3317.11 of 20484
the Revised Code. 20485

(F)(1) If the district is required to pay to or entitled to 20486
receive tuition from another school district under division (C)(2) 20487
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 20488
or if the superintendent of public instruction is required to 20489
determine the correct amount of tuition and make a deduction or 20490
credit under section 3317.08 of the Revised Code, deduct and 20491
credit such amounts as provided in division (J) of section 3313.64 20492
or section 3317.08 of the Revised Code. 20493

(2) For each child for whom the district is responsible for 20494
tuition or payment under division (A)(1) of section 3317.082 or 20495
section 3323.091 of the Revised Code, deduct the amount of tuition 20496
or payment for which the district is responsible. 20497

(G) If the district has been certified by the superintendent 20498
of public instruction under section 3313.90 of the Revised Code as 20499
not in compliance with the requirements of that section, deduct an 20500
amount equal to ten per cent of the amount computed for the 20501
district under section 3317.022 of the Revised Code. 20502

(H) If the district has received a loan from a commercial 20503
lending institution for which payments are made by the 20504
superintendent of public instruction pursuant to division (E)(3) 20505
of section 3313.483 of the Revised Code, deduct an amount equal to 20506
such payments. 20507

(I)(1) If the district is a party to an agreement entered 20508
into under division (D), (E), or (F) of section 3311.06 or 20509

division (B) of section 3311.24 of the Revised Code and is 20510
obligated to make payments to another district under such an 20511
agreement, deduct an amount equal to such payments if the district 20512
school board notifies the department in writing that it wishes to 20513
have such payments deducted. 20514

(2) If the district is entitled to receive payments from 20515
another district that has notified the department to deduct such 20516
payments under division (I)(1) of this section, add the amount of 20517
such payments. 20518

(J) If the district is required to pay an amount of funds to 20519
a cooperative education district pursuant to a provision described 20520
by division (B)(4) of section 3311.52 or division (B)(8) of 20521
section 3311.521 of the Revised Code, deduct such amounts as 20522
provided under that provision and credit those amounts to the 20523
cooperative education district for payment to the district under 20524
division (B)(1) of section 3317.19 of the Revised Code. 20525

(K)(1) If a district is educating a student entitled to 20526
attend school in another district pursuant to a shared education 20527
contract, compact, or cooperative education agreement other than 20528
an agreement entered into pursuant to section 3313.842 of the 20529
Revised Code, credit to that educating district on an FTE basis 20530
both of the following: 20531

(a) An amount equal to the ~~greater of the following:~~ 20532

~~(i) The fiscal year 2005 formula amount times the fiscal year 20533
2005 cost of doing business factor of the school district where 20534
the student is entitled to attend school pursuant to section 20535
3313.64 or 3313.65 of the Revised Code;~~ 20536

~~(ii) The sum of (the current formula amount times the current 20537
cost of doing business factor of the school district when the 20538
student is entitled to attend school pursuant to section 3313.64 20539
or 3313.65 of the Revised Code) plus the per pupil amount of the 20540~~

base funding supplements specified in divisions (C)(1) to (4) of 20541
section 3317.012 of the Revised Code. 20542

(b) An amount equal to the current formula amount times the 20543
state share percentage times any multiple applicable to the 20544
student pursuant to section 3317.013 or 3317.014 of the Revised 20545
Code. 20546

(2) Deduct any amount credited pursuant to division (K)(1) of 20547
this section from amounts paid to the school district in which the 20548
student is entitled to attend school pursuant to section 3313.64 20549
or 3313.65 of the Revised Code. 20550

(3) If the district is required by a shared education 20551
contract, compact, or cooperative education agreement to make 20552
payments to an educational service center, deduct the amounts from 20553
payments to the district and add them to the amounts paid to the 20554
service center pursuant to section 3317.11 of the Revised Code. 20555

(L)(1) If a district, including a joint vocational school 20556
district, is a lead district of a VEPD, credit to that district 20557
the amounts calculated for all the school districts within that 20558
VEPD pursuant to division (E)(2) of section 3317.022 of the 20559
Revised Code. 20560

(2) Deduct from each appropriate district that is not a lead 20561
district, the amount attributable to that district that is 20562
credited to a lead district under division (L)(1) of this section. 20563

(M) If the department pays a joint vocational school district 20564
under division (G)(4) of section 3317.16 of the Revised Code for 20565
excess costs of providing special education and related services 20566
to a handicapped student, as calculated under division (G)(2) of 20567
that section, the department shall deduct the amount of that 20568
payment from the city, local, or exempted village school district 20569
that is responsible as specified in that section for the excess 20570
costs. 20571

(N)(1) If the district reports an amount of excess cost for 20572
special education services for a child under division (C) of 20573
section 3323.14 of the Revised Code, the department shall pay that 20574
amount to the district. 20575

(2) If the district reports an amount of excess cost for 20576
special education services for a child under division (C) of 20577
section 3323.14 of the Revised Code, the department shall deduct 20578
that amount from the district of residence of that child. 20579

(O) If the department of job and family services presents to 20580
the department of education a payment request through an 20581
intrastate transfer voucher for the nonfederal share of 20582
reimbursements made to a school district for medicaid services 20583
provided by the district, the department of education shall pay 20584
the amount of that request to the department of job and family 20585
services and shall deduct the amount of that payment from the 20586
district. 20587

Sec. 3317.024. In addition to the moneys paid to eligible 20588
school districts pursuant to section 3317.022 of the Revised Code, 20589
moneys appropriated for the education programs in divisions (A) to 20590
(I), (K), (L), and (N) of this section shall be distributed to 20591
school districts meeting the requirements of section 3317.01 of 20592
the Revised Code; in the case of divisions (G) and (L) of this 20593
section, to educational service centers as provided in section 20594
3317.11 of the Revised Code; in the case of divisions (D) and (J) 20595
of this section, to county MR/DD boards; in the case of division 20596
(N) of this section, to joint vocational school districts; in the 20597
case of division (H) of this section, to cooperative education 20598
school districts; and in the case of division (M) of this section, 20599
to the institutions defined under section 3317.082 of the Revised 20600
Code providing elementary or secondary education programs to 20601
children other than children receiving special education under 20602

section 3323.091 of the Revised Code. The following shall be 20603
distributed monthly, quarterly, or annually as may be determined 20604
by the state board of education: 20605

(A) An amount for each island school district and each joint 20606
state school district for the operation of each high school and 20607
each elementary school maintained within such district and for 20608
capital improvements for such schools. Such amounts shall be 20609
determined on the basis of standards adopted by the state board of 20610
education. 20611

(B) An amount for each school district operating classes for 20612
children of migrant workers who are unable to be in attendance in 20613
an Ohio school during the entire regular school year. The amounts 20614
shall be determined on the basis of standards adopted by the state 20615
board of education, except that payment shall be made only for 20616
subjects regularly offered by the school district providing the 20617
classes. 20618

(C) An amount for each school district with guidance, 20619
testing, and counseling programs approved by the state board of 20620
education. The amount shall be determined on the basis of 20621
standards adopted by the state board of education. 20622

(D) An amount for the emergency purchase of school buses as 20623
provided for in section 3317.07 of the Revised Code; 20624

(E) An amount for each school district required to pay 20625
tuition for a child in an institution maintained by the department 20626
of youth services pursuant to section 3317.082 of the Revised 20627
Code, provided the child was not included in the calculation of 20628
the district's average daily membership for the preceding school 20629
year. 20630

(F) An amount for adult basic literacy education for each 20631
district participating in programs approved by the state board of 20632
education. The amount shall be determined on the basis of 20633

standards adopted by the state board of education. 20634

(G) An amount for the approved cost of transporting eligible 20635
pupils with disabilities attending a special education program 20636
approved by the department of education whom it is impossible or 20637
impractical to transport by regular school bus in the course of 20638
regular route transportation provided by the district or service 20639
center. No district or service center is eligible to receive a 20640
payment under this division for the cost of transporting any pupil 20641
whom it transports by regular school bus and who is included in 20642
the district's transportation ADM. The state board of education 20643
shall establish standards and guidelines for use by the department 20644
of education in determining the approved cost of such 20645
transportation for each district or service center. 20646

(H) An amount to each school district, including each 20647
cooperative education school district, pursuant to section 3313.81 20648
of the Revised Code to assist in providing free lunches to needy 20649
children and an amount to assist needy school districts in 20650
purchasing necessary equipment for food preparation. The amounts 20651
shall be determined on the basis of rules adopted by the state 20652
board of education. 20653

(I) An amount to each school district, for each pupil 20654
attending a chartered nonpublic elementary or high school within 20655
the district. The amount shall equal the amount appropriated for 20656
the implementation of section 3317.06 of the Revised Code divided 20657
by the average daily membership in grades kindergarten through 20658
twelve in nonpublic elementary and high schools within the state 20659
as determined during the first full week in October of each school 20660
year. 20661

(J) An amount for each county MR/DD board, distributed on the 20662
basis of standards adopted by the state board of education, for 20663
the approved cost of transportation required for children 20664
attending special education programs operated by the county MR/DD 20665

board under section 3323.09 of the Revised Code; 20666

(K) An amount for each school district that establishes a 20667
mentor teacher program that complies with rules of the state board 20668
of education. No school district shall be required to establish or 20669
maintain such a program in any year unless sufficient funds are 20670
appropriated to cover the district's total costs for the program. 20671

(L) An amount to each school district or educational service 20672
center for the total number of gifted units approved pursuant to 20673
section 3317.05 of the Revised Code. The amount for each such unit 20674
shall be the sum of the minimum salary for the teacher of the 20675
unit, calculated on the basis of the teacher's training level and 20676
years of experience pursuant to the salary schedule prescribed in 20677
the version of section 3317.13 of the Revised Code in effect prior 20678
to July 1, 2001, plus fifteen per cent of that minimum salary 20679
amount, plus two thousand six hundred seventy-eight dollars. 20680

(M) An amount to each institution defined under section 20681
3317.082 of the Revised Code providing elementary or secondary 20682
education to children other than children receiving special 20683
education under section 3323.091 of the Revised Code. This amount 20684
for any institution in any fiscal year shall equal the total of 20685
all tuition amounts required to be paid to the institution under 20686
division (A)(1) of section 3317.082 of the Revised Code. 20687

(N) A grant to each school district and joint vocational 20688
school district that operates a "graduation, reality, and 20689
dual-role skills" (GRADS) program for pregnant and parenting 20690
students that is approved by the department. The amount of the 20691
payment shall be the district's state share percentage, as defined 20692
in section 3317.022 or 3317.16 of the Revised Code, times the 20693
GRADS personnel allowance times the full-time-equivalent number of 20694
GRADS teachers approved by the department. The GRADS personnel 20695
allowance is \$47,555 in fiscal years ~~2004, 2005, 2006, and 2007~~ 20696
2008 and 2009. 20697

The state board of education or any other board of education 20698
or governing board may provide for any resident of a district or 20699
educational service center territory any educational service for 20700
which funds are made available to the board by the United States 20701
under the authority of public law, whether such funds come 20702
directly or indirectly from the United States or any agency or 20703
department thereof or through the state or any agency, department, 20704
or political subdivision thereof. 20705

Sec. 3317.025. On or before the first day of June of each 20706
year, the tax commissioner shall certify the following information 20707
to the department of education and the office of budget and 20708
management, for each school district in which the value of the 20709
property described under division (A) of this section exceeds one 20710
per cent of the taxable value of all real and tangible personal 20711
property in the district or in which is located tangible personal 20712
property designed for use or used in strip mining operations, 20713
whose taxable value exceeds five million dollars, and the taxes 20714
upon which the district is precluded from collecting by virtue of 20715
legal proceedings to determine the value of such property: 20716

(A) The total taxable value of all property in the district 20717
owned by a public utility or railroad that has filed a petition 20718
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 20719
(1898), 11 U.S.C. 205, as amended, and all tangible personal 20720
property in the district designed for use or used in strip mining 20721
operations whose taxable value exceeds five million dollars upon 20722
which have not been paid in full on or before the first day of 20723
April of that calendar year all real and tangible personal 20724
property taxes levied for the preceding calendar year and which 20725
the district was precluded from collecting by virtue of 20726
proceedings under section 205 of said act or by virtue of legal 20727
proceedings to determine the tax liability of such strip mining 20728
equipment; 20729

(B) The percentage of the total operating taxes charged and payable for school district purposes levied against such valuation for the preceding calendar year that have not been paid by such date;

(C) The product obtained by multiplying the value certified under division (A) of this section by the percentage certified under division (B) of this section. If the value certified under division (A) of this section includes taxable property owned by a public utility or railroad that has filed a petition for reorganization under the bankruptcy act, the amount used in making the calculation under this division shall be reduced by one per cent of the total value of all real and tangible personal property in the district or the value of the utility's or railroad's property, whichever is less.

Upon receipt of the certification, the department shall recompute the payments required under section 3317.022 of the Revised Code in the manner the payments would have been computed if:

(1) The amount certified under division (C) of this section was not subject to taxation by the district and was not included in the certification made under division (A)(1), (A)(2), or (D) of section 3317.021 of the Revised Code.

(2) The amount of taxes charged and payable and unpaid and used to make the computation under division (B) of this section had not been levied and had not been used in the computation required by division (B) of section 3317.021 of the Revised Code. The department shall pay the district that amount in the ensuing fiscal year in lieu of the amounts computed under section 3317.022 of the Revised Code.

If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20

of the Revised Code on the basis of the same circumstances for 20761
which a recomputation is made under this section, the amount of 20762
the recomputation shall be reduced and transferred in accordance 20763
with division (C) of section 3316.20 of the Revised Code. 20764

Sec. 3317.026. (A) As used in this section, "refunded taxes" 20765
means taxes charged and payable from real and tangible personal 20766
property, including public utility property, that have been found 20767
to have been overpaid as the result of reductions in the taxable 20768
value of such property and that have been refunded, including any 20769
interest or penalty refunded with those taxes. If taxes are 20770
refunded over a period of time pursuant to division (B)(2), (3), 20771
or (4) of section 319.36 or division (C) of section 5727.471 of 20772
the Revised Code, the total amount of taxes required to be 20773
refunded, excluding any interest accruing after the day the 20774
undertaking is entered into, shall be considered to have been 20775
refunded on the day the first portion of the overpayment is paid 20776
or credited. 20777

(B) Not later than the last day of February each year, each 20778
county auditor shall certify to the tax commissioner, for each 20779
school district in the county, the amount of refunded taxes 20780
refunded in the preceding calendar year and the reductions in 20781
taxable value that resulted in those refunds, except for 20782
reductions in taxable value that previously have been reported to 20783
the tax commissioner on an abstract. If the tax commissioner 20784
determines that the amount of refunded taxes certified for a 20785
school district exceeds three per cent of the total taxes charged 20786
and payable for current expenses of the school district for the 20787
calendar year in which those taxes were refunded, the tax 20788
commissioner shall certify the reductions in taxable value that 20789
resulted in those refunds on or before the first day of June to 20790
the department of education and the office of budget and 20791
management. Upon receiving the certification by the tax 20792

commissioner, the department of education shall reduce the total 20793
taxable value of the school district, as defined in section 20794
3317.02 of the Revised Code, by the total amount of the reductions 20795
in taxable value that resulted in those refunds for the purpose of 20796
computing the ~~SF-3 payment~~ state education aid for the school 20797
district for the current fiscal year. The increase in the amount 20798
of such aid resulting from the adjustment required by this section 20799
shall be paid to the school district ~~on or before the thirty first~~ 20800
~~day of July of the following fiscal year.~~ The payment date shall 20801
be determined by the director of budget and management. The 20802
director shall select a payment date that is not earlier than the 20803
first day of June of the current fiscal year and not later than 20804
the thirty-first day of July of the following fiscal year. The 20805
department of education shall not pay the district under this 20806
section prior to approval by the director of budget and management 20807
to make that payment. 20808

If an adjustment is made under this division in the amount of 20809
state aid paid to a school district, the tax value reductions from 20810
which that adjustment results shall not be used in recomputing aid 20811
to a school district under section 3317.027 of the Revised Code. 20812

(C) If a school district received a grant from the 20813
catastrophic expenditures account pursuant to division (C) of 20814
section 3316.20 of the Revised Code on the basis of the same 20815
circumstances for which an adjustment is made under this section, 20816
the amount of the adjustment shall be reduced and transferred in 20817
accordance with division (C) of section 3316.20 of the Revised 20818
Code. 20819

(D) Not later than the first day of June each year, the tax 20820
commissioner shall certify to the department of education and the 20821
office of budget and management for each school district the total 20822
of the increases in taxable value above the amount of taxable 20823
value on which tax was paid, as provided in division (B)(1) or (2) 20824

of section 5727.47 of the Revised Code, as determined by the commissioner, and for which a notification was sent pursuant to section 5727.471 of the Revised Code, in the preceding calendar year. Upon receiving the certification, the department shall increase the total taxable value, as defined in section 3317.02 of the Revised Code, of the school district by the total amount of the increase in taxable value certified by the commissioner for the school district for the purpose of computing the school district's ~~SF-3 payment~~ state education aid for the following fiscal year.

Sec. 3317.027. On or before the fifteenth day of May of each year, the tax commissioner shall certify to the department of education and the office of budget and management:

(A) The amount by which applications filed under section 5713.38 of the Revised Code or complaints filed under section 5715.19 of the Revised Code resulted in a reduction in the second preceding year's taxable value in each school district in which such a reduction occurred, and the amount by which such reduction reduced the district's taxes charged and payable for such year; and

(B) The taxes charged and payable for the second preceding tax year that were remitted under section 5713.081 of the Revised Code and the taxable value against which such taxes were imposed.

Upon receipt of such certifications, the department shall recompute the district's ~~SF-3 payment~~ state education aid and determine the amount that the ~~SF-3 payment~~ state education aid would have been ~~paid~~ had the taxable value not been used in the computation made under division (A)(1) of section 3317.021 of the Revised Code and had the taxes charged and payable not been included in the certification made under division (A)(3) of such section. The department shall calculate the amount that the

remainder of the fiscal year's payments should have been for the 20856
fiscal year including the amount of the ~~SF-3 payment state~~ 20857
education aid as recomputed. The increase or decrease in the 20858
amount of aid resulting from the adjustment required under this 20859
section shall be paid to the school district ~~on or before the~~ 20860
~~thirty first day of July of the following fiscal year. The payment~~ 20861
date shall be determined by the director of budget and management. 20862
The director shall select a payment date that is not earlier than 20863
the first day of June of the current fiscal year and not later 20864
than the thirty-first day of July of the following fiscal year. 20865
The department of education shall not pay the district under this 20866
section prior to approval by the director of budget and management 20867
to make that payment. 20868

If a school district received a grant from the catastrophic 20869
expenditures account pursuant to division (C) of section 3316.20 20870
of the Revised Code on the basis of the same circumstances for 20871
which a recomputation is made under this section, the amount of 20872
the recomputation shall be reduced and transferred in accordance 20873
with division (C) of section 3316.20 of the Revised Code. 20874

Sec. 3317.028. (A) On or before the fifteenth day of May in 20875
each calendar year prior to calendar year 2007, the tax 20876
commissioner shall determine for each school district whether the 20877
taxable value of all tangible personal property, including utility 20878
tangible personal property, subject to taxation by the district in 20879
the preceding tax year was less or greater than the taxable value 20880
of such property during the second preceding tax year. If any such 20881
decrease exceeds five per cent of the district's tangible personal 20882
property taxable value included in the total taxable value used in 20883
computing the district's ~~SF-3 payment state education aid~~ for the 20884
fiscal year that ends in the current calendar year, or if any such 20885
increase exceeds five per cent of the district's total taxable 20886
value used in computing the district's ~~SF-3 payment state~~ 20887

education aid for the fiscal year that ends in the current 20888
calendar year, the tax commissioner shall certify both of the 20889
following to the department of education and the office of budget 20890
and management: 20891

(1) The taxable value of the tangible personal property 20892
increase or decrease, including utility tangible personal property 20893
increase or decrease, which shall be considered a change in 20894
valuation; 20895

(2) The decrease or increase in taxes charged and payable on 20896
such change in taxable value calculated in the same manner as in 20897
division (A)(3) of section 3317.021 of the Revised Code. 20898

(B) On or before May 15, 2007, and the fifteenth day of May 20899
in each calendar year thereafter, the tax commissioner shall 20900
determine for each school district whether the taxable value of 20901
all utility tangible personal property subject to taxation by the 20902
district in the preceding tax year was less or greater than the 20903
taxable value of such property during the second preceding tax 20904
year. If any decrease exceeds five per cent of the district's 20905
tangible personal property taxable value included in the total 20906
taxable value used in the district's state aid computation for the 20907
fiscal year that ends in the current calendar year, or if any 20908
increase exceeds five per cent of the district's total taxable 20909
value used in the district's state education aid computation for 20910
the fiscal year that ends in the current calendar year, the tax 20911
commissioner shall certify both of the following to the department 20912
of education and the office of budget and management: 20913

(1) The taxable value of the utility tangible personal 20914
property increase or decrease, which shall be considered a change 20915
in valuation; 20916

(2) The decrease or increase in taxes charged and payable on 20917
such change in taxable value calculated in the same manner as in 20918

division (A)(3) of section 3317.021 of the Revised Code. 20919

(C) Upon receipt of a certification specified in this 20920
section, the department of education shall reduce or increase by 20921
the respective amounts certified and the taxable value and the 20922
taxes charged and payable that were used in computing the 20923
district's ~~SF-3 payment~~ state education aid for the fiscal year 20924
that ends in the current calendar year and shall recompute the 20925
~~SF-3 payment~~ state education aid for such fiscal year. The 20926
department shall pay ~~the district a sum equal to one half of the~~ 20927
~~recomputed payments in lieu of the payments otherwise required~~ 20928
~~under that section on or before the thirty first day of July of~~ 20929
~~the following fiscal year to or deduct from the district an amount~~ 20930
equal to one-half of the difference between the district's state 20931
education aid prior to the recomputation under this section and 20932
the district's recomputed state education aid. The payment date 20933
shall be determined by the director of budget and management. The 20934
director shall select a payment date that is not earlier than the 20935
first day of June of the current fiscal year and not later than 20936
the thirty-first day of July of the following fiscal year. The 20937
department of education shall not pay the district under this 20938
section prior to approval by the director of budget and management 20939
to make that payment. 20940

(D) If a school district received a grant from the 20941
catastrophic expenditures account pursuant to division (C) of 20942
section 3316.20 of the Revised Code on the basis of the same 20943
circumstances for which a recomputation is made under this 20944
section, the amount of the recomputation shall be reduced and 20945
transferred in accordance with division (C) of section 3316.20 of 20946
the Revised Code. 20947

Sec. 3317.029. (A) As used in this section: 20948

(1) "Poverty percentage" means the quotient obtained by 20949

dividing the ~~five-year~~ average number of children ages five to 20950
seventeen residing in the school district and living in a family 20951
receiving assistance under the Ohio works first program or an 20952
antecedent program known as TANF or ADC for the preceding five 20953
years, as certified or adjusted under section 3317.10 of the 20954
Revised Code, by the district's three-year average formula ADM. 20955

(2) "Statewide poverty percentage" means the ~~five-year~~ 20956
average of the total number of children ages five to seventeen 20957
years residing in the state and receiving assistance under the 20958
Ohio works first program or an antecedent program known as TANF or 20959
ADC for the preceding five years, divided by the sum of the 20960
three-year average formula ADMs for all school districts in the 20961
state. 20962

(3) "Poverty index" means the quotient obtained by dividing 20963
the school district's poverty percentage by the statewide poverty 20964
percentage. 20965

(4) "Poverty student count" means the ~~five-year~~ average 20966
number of children ages five to seventeen residing in the school 20967
district and living in a family receiving assistance under the 20968
Ohio works first program or an antecedent program known as TANF or 20969
ADC for the preceding five years, as certified under section 20970
3317.10 of the Revised Code. 20971

(5) "Kindergarten ADM" means the number of students reported 20972
under section 3317.03 of the Revised Code as enrolled in 20973
kindergarten, excluding any kindergarten students reported under 20974
division (B)(3)(e), or (f), ~~or (g)~~ of section 3317.03 of the 20975
Revised Code. 20976

(6) "Kindergarten through third grade ADM" means the amount 20977
calculated as follows: 20978

(a) Multiply the kindergarten ADM by the sum of one plus the 20979
all-day kindergarten percentage; 20980

(b) Add the number of students in grades one through three; 20981

(c) Subtract from the sum calculated under division (A)(6)(b) 20982
of this section the number of special education students in grades 20983
kindergarten through three. 20984

"Kindergarten through third grade ADM" shall not include any 20985
students reported under division (B)(3)(e), or (f), ~~or (g)~~ of 20986
section 3317.03 of the Revised Code. 20987

(7) "All-day kindergarten" means a kindergarten class that is 20988
in session five days per week for not less than the same number of 20989
clock hours each day as for pupils in grades one through six. 20990

(8) "All-day kindergarten percentage" means the percentage of 20991
a district's actual total number of students enrolled in 20992
kindergarten who are enrolled in all-day kindergarten. 20993

(9) "All-day kindergarten ADM" means the number of students 20994
reported under section 3317.03 of the Revised Code as enrolled in 20995
all-day kindergarten, excluding any kindergarten students reported 20996
under division (B)(3)(e) or (f) of that section. 20997

(10) "Academic distress percentage" means the quotient of the 20998
number of district-operated buildings in the school district 20999
designated under section 3302.03 of the Revised Code as in a state 21000
of academic watch or academic emergency, divided by the total 21001
number of buildings in the district that were open for instruction 21002
during the same school year to which the ratings apply. 21003

(11) "Statewide academic distress percentage" means the 21004
quotient of the statewide number of school district buildings and 21005
community schools designated under section 3302.03 of the Revised 21006
Code as in a state of academic watch or academic emergency, 21007
divided by the statewide total number of school district buildings 21008
and community schools that were open for instruction during the 21009
same school year to which the ratings apply. 21010

(12) "Academic distress index" means the quotient of the school district's academic distress percentage, divided by the statewide academic distress percentage.

(13) "Buildings with the highest concentration of need" means the school buildings in a district with that meet either of the following criteria:

(a) Are in school improvement status pursuant to the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code;

(b) Have percentages of students in grades kindergarten through three receiving assistance under Ohio works first at least as high as the district-wide percentage of students receiving such assistance. However, the district shall give priority to any of those buildings that have been declared to be in a state of academic watch or academic emergency under section 3302.03 of the Revised Code.

If, in any fiscal year, the information provided by the department of job and family services under section 3317.10 of the Revised Code is insufficient to determine the Ohio works first percentage in each building, "buildings with the highest concentration of need" has the meaning given in rules that the department of education shall adopt. The rules shall base the definition of "buildings with the highest concentration of need" on family income of students in grades kindergarten through three in a manner that, to the extent possible with available data, approximates the intent of this division and division (K) of this section to designate buildings where the Ohio works first percentage in those grades equals or exceeds the district-wide Ohio works first percentage.

~~(B) In addition to the amounts required to be paid to a school district under section 3317.022 of the Revised Code, the~~

The department of education shall compute ~~and distribute to~~ for 21042
each school district for poverty-based assistance the ~~greater of~~ 21043
~~the following:~~ 21044

~~(1) The amount the district received in fiscal year 2005 for~~ 21045
~~disadvantaged pupil impact aid pursuant to Section 41.10 of Am.~~ 21046
~~Sub. H.B. 95 of the 125th general assembly, as amended, minus the~~ 21047
~~amount deducted from the district under Section 16 of Am. Sub.~~ 21048
~~S.B. 2 of the 125th general assembly that year for payments to~~ 21049
~~internet and computer based community schools;~~ 21050

~~(2) The sum of the computations made under divisions (C) to~~ 21051
~~(I)(J) of this section and shall pay that sum to the district in~~ 21052
accordance with division (A) of section 3317.022 of the Revised 21053
Code. 21054

(C) A payment for academic intervention programs, if the 21055
district's poverty index is greater than or equal to 0.25, 21056
calculated as follows: 21057

(1) If the district's poverty index is greater than or equal 21058
to 0.25, calculate the district's level one amount for large-group 21059
academic intervention for all students as follows: 21060

(a) If the district's poverty index is greater than or equal 21061
to 0.25 but less than 0.75: 21062

large-group intervention units X hourly rate X 21063

level one hours X [(poverty index - 0.25)/0.5] 21064

~~X phase in percentage~~ 21065

Where: 21066

(i) "Large-group intervention units" equals the district's 21067
formula ADM divided by 20; 21068

(ii) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 21069
2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009; 21070

(iii) "Level one hours" equals 25 hours; 21071

~~(iv) "Phase in percentage" equals 0.60 in fiscal year 2006 and 1.00 in fiscal year 2007.~~ 21072
21073

(b) If the district's poverty index is greater than or equal to 0.75: 21074
21075

large-group intervention units X hourly rate X 21076
level one hours ~~X phase in percentage~~ 21077

Where "large-group intervention units," "hourly rate," and "level one hours," ~~and "phase in percentage"~~ have the same meanings as in division (C)(1)(a) of this section. 21078
21079
21080

(2) If the district's poverty index is greater than or equal to 0.75, calculate the district's level two amount for medium-group academic intervention for all students as follows: 21081
21082
21083

(a) If the district's poverty index is greater than or equal to 0.75 but less than 1.50: 21084
21085

medium-group intervention units X hourly rate 21086
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]} 21087
~~X phase in percentage~~ 21088

Where: 21089

(i) "Medium group intervention units" equals the district's formula ADM divided by 15; 21090
21091

(ii) "Hourly rate," and "level one hours," ~~and "phase in percentage"~~ have the same meanings as in division (C)(1)(a) of this section. 21092
21093
21094

(b) If the district's poverty index is greater than or equal to 1.50: 21095
21096

medium-group intervention units X hourly rate X 21097
level two hours ~~X phase in percentage~~ 21098

Where: 21099

(i) "Medium group intervention units" has the same meaning as in division (C)(2)(a)(i) of this section; 21100
21101

(ii) "Hourly rate" ~~and "phase in percentage"~~ have has the same ~~meanings~~ meaning as in division (C)(1)(a) of this section; 21102
21103

(iii) "Level two hours" equals 50 hours. 21104

(3) If the district's poverty index is greater than or equal to 1.50, calculate the district's level three amount for small-group academic intervention for impoverished students as follows: 21105
21106
21107
21108

(a) If the district's poverty index is greater than or equal to 1.50 but less than 2.50: 21109
21110

small group intervention units X hourly rate X 21111
{level one hours + [level three hours X
(poverty index - 1.50)]} ~~X phase in percentage~~ 21112
21113

Where: 21114

(i) "Small group intervention units" equals the quotient of (the district's poverty student count times 3) divided by 10; 21115
21116

(ii) "Hourly rate," and "level one hours," ~~and "phase in percentage"~~ have the same meanings as in division (C)(1)(a) of this section; 21117
21118
21119

(iii) "Level three hours" equals 135 hours. 21120

(b) If the district's poverty index is greater than or equal to 2.50: 21121
21122

small group intervention units X hourly rate 21123
X level three hours ~~X phase in percentage~~ 21124

Where: 21125

(i) "Small group intervention units" has the same meaning as in division (C)(3)(a)(i) of this section; 21126
21127

(ii) "Hourly rate" ~~and "phase in percentage"~~ have has the same ~~meanings~~ meaning as in division (C)(1)(a) of this section; 21128
21129

(iii) "Level three hours" equals 160 hours. 21130

Any district that receives funds under division (C)(2) or (3) 21131
of this section annually shall submit to the department of 21132
education by a date established by the department a plan 21133
describing how the district will deploy those funds. The 21134
deployment measures described in that plan shall comply with any 21135
applicable spending requirements prescribed in ~~division (J)(6) of~~ 21136
this section or with any order issued by the superintendent of 21137
public instruction under section 3317.017 of the Revised Code. 21138

(D) A payment for all-day kindergarten if the poverty index 21139
of the school district is greater than or equal to 1.0 or if the 21140
district's three-year average formula ADM exceeded seventeen 21141
thousand five hundred. In addition, the department shall make a 21142
payment under this division to any school district that, in a 21143
prior fiscal year, qualified for this payment and provided all-day 21144
kindergarten, regardless of changes to the district's poverty 21145
index. The department shall calculate the payment under this 21146
division by multiplying the all-day ~~kindergarten percentage by the~~ 21147
~~kindergarten ADM and multiplying that product~~ by the formula 21148
amount. 21149

(E) A ~~class size reduction~~ payment for increased classroom 21150
learning opportunities based on calculating the number of new 21151
teachers necessary to achieve a lower student-teacher ratio, as 21152
follows: 21153

(1) Determine or calculate a formula number of teachers per 21154
one thousand students based on the poverty index of the school 21155
district as follows: 21156

(a) If the poverty index of the school district is less than 21157
1.0, the formula number of teachers is 50.0, which is the number 21158
of teachers per one thousand students at a student-teacher ratio 21159
of twenty to one; 21160

(b) If the poverty index of the school district is greater 21161

than or equal to 1.0, but less than 1.5, the formula number of teachers is calculated as follows:

$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\}$$

Where 50.0 is the number of teachers per one thousand students at a student-teacher ratio of twenty to one; 0.5 is the interval from a poverty index of 1.0 to a poverty index of 1.5; and 16.667 is the difference in the number of teachers per one thousand students at a student-teacher ratio of fifteen to one and the number of teachers per one thousand students at a student-teacher ratio of twenty to one.

(c) If the poverty index of the school district is greater than or equal to 1.5, the formula number of teachers is 66.667, which is the number of teachers per one thousand students at a student-teacher ratio of fifteen to one.

(2) Multiply the formula number of teachers determined or calculated in division (E)(1) of this section by the kindergarten through third grade ADM for the district and divide that product by one thousand;

(3) Calculate the number of new teachers as follows:

(a) Multiply the kindergarten through third grade ADM by 50.0, which is the number of teachers per one thousand students at a student-teacher ratio of twenty to one, and divide that product by one thousand;

(b) Subtract the quotient obtained in division (E)(3)(a) of this section from the product in division (E)(2) of this section.

(4) Multiply the greater of the difference obtained under division (E)(3) of this section or zero by the statewide average teachers compensation. For this purpose, the "statewide average teacher compensation" is ~~\$53,680~~ \$56,754 in fiscal year ~~2006~~ 2008 and ~~\$54,941~~ \$58,621 in fiscal year ~~2007~~ 2009, which includes an amount for the value of fringe benefits.

(F) A payment for services to limited English proficient students, if the district's poverty index is greater than or equal to 1.0 and the proportion of its students who are limited English proficient, as reported in 2003 on its school district report issued under section 3302.03 of the Revised Code for the 2002-2003 school year, is greater than or equal to 2.0%, calculated as follows:

(1) If the district's poverty index is greater than or equal to 1.0, but less than 1.75, determine the amount per limited English proficient student as follows:

$$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0)/0.75)]\} \times \text{formula amount}$$

(2) If the district's poverty index is greater than or equal to 1.75, the amount per limited English proficient student equals:
0.25 X formula amount

(3) Multiply the per student amount determined for the district under division (F)(1) or (2) of this section by the number of the district's limited English proficient students, times a phase-in percentage of ~~0.40 in fiscal year 2006 and~~ 0.70 in fiscal ~~year 2007~~ years 2008 and 2009. For purposes of this calculation, the number of limited English proficient students for each district shall be the number determined by the department when it calculated the district's percentage of limited English proficient students for its school district report card issued in 2003 for the 2002-2003 school year.

~~Not later than December 31, 2006, the department of education shall recommend to the general assembly and the director of budget and management a method of identifying the number of limited English proficient students for purposes of calculating payments under this division after fiscal year 2007.~~

(G) A payment for professional development of teachers, if

the district's poverty index is greater than or equal to 1.0, 21224
calculated as follows: 21225

(1) If the district's poverty index is greater than or equal 21226
to 1.0, but less than 1.75, determine the amount per teacher as 21227
follows: 21228

$[(\text{poverty index} - 1.0)/0.75] \times 0.045 \times \text{formula amount}$ 21229

(2) If the district's poverty index is greater than or equal 21230
to 1.75, the amount per teacher equals: 21231

$0.045 \times \text{formula amount}$ 21232

(3) Determine the number of teachers, as follows: 21233

$(\text{formula ADM}/17)$ 21234

(4) Multiply the per teacher amount determined for the 21235
district under division (G)(1) or (2) of this section by the 21236
number of teachers determined under division (G)(3) of this 21237
section, ~~times a phase in percentage of 0.40 in fiscal year 2006~~ 21238
~~and 0.70 in fiscal year 2007.~~ 21239

(H) A payment for dropout prevention, if the district is a 21240
big eight school district as defined in section 3314.02 of the 21241
Revised Code, calculated as follows: 21242

$0.005 \times \text{formula amount} \times \text{poverty index}$ 21243

$\times \text{formula ADM} \times$ ~~phase in percentage~~ 21244

~~Where "phase in percentage" equals 0.40 in fiscal year 2006~~ 21245
~~and 0.70 in fiscal year 2007.~~ 21246

(I) An amount for community outreach, if the district is an 21247
urban school district as defined in section 3314.02 of the Revised 21248
Code, calculated as follows: 21249

$0.005 \times \text{formula amount} \times \text{poverty index} \times$ 21250
 $\text{formula ADM} \times$ ~~phase in percentage~~ 21251

~~Where "phase in percentage" equals 0.40 in fiscal year 2006~~ 21252
~~and 0.70 in fiscal year 2007.~~ 21253

(J) A payment for assistance in closing the achievement gap, if the district's poverty index is greater than or equal to 1.0 and its academic distress index is greater than or equal to 1.0, as determined based on the most recent report card issued under section 3302.03 of the Revised Code prior to the beginning of the fiscal year, calculated as follows:

(1) In fiscal year 2008:

poverty index X academic distress index X
(0.0015 X formula amount) X formula ADM

(2) In fiscal year 2009:

(a) If the district's academic distress percentage is less than its academic distress percentage used for the prior fiscal year:

poverty index X academic distress index X
(0.0015 X formula amount) X formula ADM X 1.035

(b) If the district's academic distress percentage is greater than or equal to its academic distress percentage used for the prior fiscal year:

poverty index X academic distress index X
(0.0015 X formula amount) X formula ADM

(K) This division applies only to school districts whose poverty index is 1.0 or greater, that receive more than ten thousand dollars under this section. Except as provided in division (L) of this section with respect to funds paid under division (J)(2)(b) of this section, in division (M)(2) of this section with respect to funds paid under division (D) of this section, and in division (O) of this section, each such district shall use funds paid under this section only for one or more of the following purposes:

(1) Each school district subject to this division shall first utilize funds received under this section so that, when combined

~~with other funds of the district, sufficient funds exist to To~~ 21285
~~provide all-day kindergarten to at least the number of children in~~ 21286
~~the district's all-day kindergarten percentage. To satisfy this~~ 21287
~~requirement, a district may use funds paid under division (C),~~ 21288
~~(F), (G), (H), or (I) of this section to provide all day~~ 21289
~~kindergarten in addition to the all-day kindergarten payment under~~ 21290
~~division (D) of this section. ADM;~~ 21291

(2) ~~Except as permitted under division (J)(1) of this~~ 21292
~~section, each school district shall use its payment under division~~ 21293
~~(F) of this section for To provide services to students with~~ 21294
~~limited English proficiency through one or more of the following~~ 21295
~~purposes activities:~~ 21296

(a) ~~To hire~~ Hiring teachers for limited English proficient 21297
students or other personnel to provide intervention services for 21298
those students; 21299

(b) ~~To contract~~ Contracting for intervention services for 21300
those students; 21301

(c) ~~To provide~~ Providing other services to assist those 21302
students in passing the third-grade reading achievement test, and 21303
to provide for those students the intervention services required 21304
by section 3313.608 of the Revised Code. 21305

(3) ~~Except as permitted under division (J)(1) of this~~ 21306
~~section, each school district shall use its payment under division~~ 21307
~~(G) of this section for To provide professional development of~~ 21308
~~teachers or other licensed personnel providing educational~~ 21309
~~services to students only in one or more of the following areas:~~ 21310

(a) Data-based decision making; 21311

(b) Standards-based curriculum models; 21312

(c) ~~Job-embedded~~ High quality professional development 21313
activities that are research-based, as defined ~~in federal law~~ by 21314

state standards developed under section 3319.61 of the Revised Code; 21315
21316

(d) Professional learning communities. 21317

In addition, each district that elects to use funds paid 21318
under this section for professional development shall use the 21319
payment only to implement programs identified on a list of 21320
eligible professional development programs provided by the 21321
department of education. The department annually shall provide the 21322
list to each district receiving a payment under ~~division (G) of~~ 21323
this section. ~~However, a district may apply to the department for~~ 21324
~~a waiver to implement an alternative professional development~~ 21325
~~program in one or more of the areas specified in divisions~~ 21326
~~(J)(3)(a) to (c) of this section. If the department grants the~~ 21327
~~waiver, the district may use its payment under division (G) of~~ 21328
~~this section to implement the alternative program.~~ 21329

(4) ~~Except as permitted under division (J)(1) of this~~ 21330
~~section, each big eight school district shall use its payment~~ 21331
~~under division (H) of this section either for~~ For preventing 21332
at-risk students from dropping out of school, ~~for safety and~~ 21333
~~security measures described in division (J)(5)(b) of this section,~~ 21334
~~for academic intervention services described in division (J)(6) of~~ 21335
~~this section, or for a combination of those purposes.~~ Not later 21336
than September 1, ~~2005~~ 2007, the department of education shall 21337
provide each ~~big eight~~ school district receiving a payment under 21338
this section with a list of dropout prevention programs that it 21339
has determined are successful. The department subsequently may 21340
update the list. Each district that elects to use its payment 21341
under ~~division (H) of~~ this section for dropout prevention shall 21342
use the payment only to implement a dropout prevention program 21343
specified on the department's list. ~~However, a district may apply~~ 21344
~~to the department for a waiver to implement an alternative dropout~~ 21345
~~prevention program. If the department grants the waiver, the~~ 21346

~~district may use its payment under division (H) of this section to
implement the alternative program.~~ 21347
21348

~~(5) Except as permitted under division (J)(1) of this
section, each urban school district that has a poverty index
greater than or equal to 1.0 shall use its payment under division
(I) of this section for For one or a combination both of the
following purposes:~~ 21349
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~~(a) To hire or contract for community liaison officers,
attendance or truant officers, or safety and security personnel;~~ 21354
21355

~~(b) To implement programs designed to ensure that schools are
free of drugs and violence and have a disciplined environment
conducive to learning;~~ 21356
21357
21358

~~(c) To implement academic intervention services described in
division (J)(6) of this section.~~ 21359
21360

~~(6) Except as permitted under division (J)(1) of this
section, each school district with a poverty index greater than or
equal to 1.0 shall use the amount of its payment under division
(C) of this section, and may use any amount of its payment under
division (H) or (I) of this section, for For academic intervention
services for students who have failed or are in danger of failing
any of the tests administered pursuant to section 3301.0710 of the
Revised Code, including intervention services required by section
3313.608 of the Revised Code. ~~Except as permitted under division
(J)(1) of this section, no district shall spend any portion of its
payment under division (C) of this section for any other purpose.
Notwithstanding any provision to the contrary in Chapter 4117. of
the Revised Code, no collective bargaining agreement entered into
after June 30, 2005, shall require use of the payment for any
other purpose.~~ 21361
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~~(7) Except as otherwise required by division (K) or permitted
under division (O) of this section, all remaining funds~~ 21376
21377

~~distributed under this section to districts with a poverty index~~ 21378
~~greater than or equal to 1.0 shall be utilized for the purpose of~~ 21379
~~the third grade guarantee. The third grade guarantee consists of~~ 21380
For increased classroom learning opportunities by increasing the 21381
amount of instructional attention received per pupil in 21382
kindergarten through third grade, either by reducing the ratio of 21383
students to instructional personnel or by increasing the amount of 21384
instruction and curriculum-related activities by extending the 21385
length of the school day or the school year. 21386

School districts may implement a reduction of the ratio of 21387
students to instructional personnel through any or all of the 21388
following methods: 21389

(a) Reducing the number of students in a classroom taught by 21390
a single teacher; 21391

(b) Employing full-time educational aides or educational 21392
paraprofessionals issued a permit or license under section 21393
3319.088 of the Revised Code; 21394

(c) Instituting a team-teaching method that will result in a 21395
lower student-teacher ratio in a classroom. 21396

Districts may extend the school day either by increasing the 21397
amount of time allocated for each class, increasing the number of 21398
classes provided per day, offering optional academic-related 21399
after-school programs, providing curriculum-related extra 21400
curricular activities, or establishing tutoring or remedial 21401
services for students who have demonstrated an educational need. 21402
In accordance with section 3319.089 of the Revised Code, a 21403
district extending the school day pursuant to this division may 21404
utilize a participant of the work experience program who has a 21405
child enrolled in a public school in that district and who is 21406
fulfilling the work requirements of that program by volunteering 21407
or working in that public school. If the work experience program 21408

participant is compensated, the school district may use the funds 21409
distributed under this section for all or part of the 21410
compensation. 21411

Districts may extend the school year either through adding 21412
regular days of instruction to the school calendar or by providing 21413
summer programs. 21414

~~(K) Each district shall not expend any funds received under 21415
division (E) of this section in any school buildings that are not 21416
buildings with the highest concentration of need, unless there is 21417
a ratio of instructional personnel to students of no more than 21418
fifteen to one in each kindergarten and first grade class in all 21419
buildings with the highest concentration of need. This division 21420
does not require that the funds used in buildings with the highest 21421
concentration of need be spent solely to reduce the ratio of 21422
instructional personnel to students in kindergarten and first 21423
grade. A school district may spend the funds in those buildings in 21424
any manner permitted by division (J)(7) of this section, but may 21425
not spend the money in other buildings unless the fifteen to one 21426
ratio required by this division is attained. 21427~~

~~(L)(1) By the first day of August of each fiscal year, each 21428
(8) For early childhood programs or early learning programs, as 21429
defined by the department of education, for children age three or 21430
four who are not eligible for kindergarten; 21431~~

~~(9) To furnish, free of charge, materials used in courses of 21432
instruction, except for the necessary textbooks or electronic 21433
textbooks required to be furnished without charge pursuant to 21434
section 3329.06 of the Revised Code, to pupils living in families 21435
participating in Ohio works first in accordance with section 21436
3313.642 of the Revised Code; 21437~~

~~(10) For programs designed to reduce nonacademic barriers to 21438
learning, in accordance with guidelines developed by the 21439~~

<u>department of education;</u>	21440
<u>(11) For school nutrition programs provided pursuant to</u>	21441
<u>section 3313.813 of the Revised Code.</u>	21442
<u>However, a school district may apply to the department, in</u>	21443
<u>the form and manner prescribed by the department, for a waiver to</u>	21444
<u>spend funds paid under this section for programs not described in</u>	21445
<u>divisions (K)(1) to (11) of this section. The waiver application</u>	21446
<u>shall specify the rationale for the alternative expenditure and</u>	21447
<u>the intended benefits for disadvantaged students. If the</u>	21448
<u>department grants the waiver, the district may use funds paid</u>	21449
<u>under this section to implement the alternative program.</u>	21450
<u>(L) This division applies only to funds paid under division</u>	21451
<u>(J)(2)(b) of this section.</u>	21452
<u>(1) If applicable, each school district shall use the funds</u>	21453
<u>for any necessary expenses for the continued operation of a school</u>	21454
<u>district academic distress commission appointed under section</u>	21455
<u>3302.10 of the Revised Code.</u>	21456
<u>(2) After satisfying the requirement of division (L)(1) of</u>	21457
<u>this section, each district shall spend the remaining funds only</u>	21458
<u>for one or more of the following purposes and only in buildings</u>	21459
<u>with the highest concentration of need:</u>	21460
<u>(a) Assistance in improving student performance;</u>	21461
<u>(b) Professional development for teachers and administrators;</u>	21462
<u>(c) Assistance in recruiting and retaining teachers and</u>	21463
<u>administrators.</u>	21464
<u>(M)(1) Each school district wishing to receive any funds</u>	21465
<u>under division (D) of this section shall submit to the department</u>	21466
<u>of education an estimate of its the number of students attending</u>	21467
<u>all-day kindergarten percentage when reporting formula ADM under</u>	21468
<u>section 3317.03 of the Revised Code. Each district shall update</u>	21469

~~its estimate throughout the fiscal year in the form and manner 21470
required by the department, and the department shall adjust 21471
payments under this section to reflect the updates. 21472~~

~~(2) Annually by the end of December, the department of 21473
education, utilizing data from the information system established 21474
under section 3301.0714 of the Revised Code, shall determine for 21475
each school district subject to division (J) of this section 21476
whether in the preceding fiscal year the district's ratio of 21477
instructional personnel to students and its number of kindergarten 21478
students receiving all day kindergarten appear reasonable, given 21479
the amounts of money the district received for that fiscal year 21480
pursuant to divisions (D) and (E) of this section. If the 21481
department is unable to verify from the data available that 21482
students are receiving reasonable amounts of instructional 21483
attention and all day kindergarten, given the funds the district 21484
has received under this section and that class size reduction 21485
funds are being used in school buildings with the highest 21486
concentration of need as required by division (K) of this section, 21487
the department shall conduct a more intensive investigation to 21488
ensure that funds have been expended as required by this section. 21489
The department shall file an annual report of its findings under 21490
this division with the chairpersons of the committees in each 21491
house of the general assembly dealing with finance and education. 21492~~

~~(M)(1)(2) Each school district with a poverty index less than 21493
1.0 that receives a payment under division (D) of this section 21494
shall first utilize funds received under this section so that 7 21495
when combined with other funds of the district, sufficient funds 21496
exist division to provide all-day kindergarten to at least the 21497
number of children in the district's all day kindergarten 21498
percentage. To satisfy this requirement, a district may use funds 21499
paid under division (C) or (I) of this section to provide all day 21500
kindergarten in addition to the all day kindergarten payment under 21501~~

~~division (D) of this section. 21502~~

~~(2) Except as permitted under division (M)(1) of this 21503~~
~~section, each school district with a poverty index less than 1.0 21504~~
~~that receives a payment under division (C) of this section shall 21505~~
~~use its payment under that division in accordance with all 21506~~
~~requirements of division (J)(6) of this section. 21507~~

~~(3) Except as permitted under division (M)(1) of this 21508~~
~~section, each school district with a poverty index less than 1.0 21509~~
~~that receives a payment under division (I) of this section shall 21510~~
~~use its payment under that division for one or a combination of 21511~~
~~the following purposes: 21512~~

~~(a) To hire or contract for community liaison officers, 21513~~
~~attendance or truant officers, or safety and security personnel; 21514~~

~~(b) To implement programs designed to ensure that schools are 21515~~
~~free of drugs and violence and have a disciplined environment 21516~~
~~conducive to learning; 21517~~

~~(c) To implement academic intervention services described in 21518~~
~~division (J)(6) of this section. 21519~~

~~(4) Each school district to which division (M)(1), (2), or 21520~~
~~(3) of this section applies shall expend the remaining funds 21521~~
~~received under this section, and any other district with a poverty 21522~~
~~index less than 1.0 shall expend all funds received under this 21523~~
~~section, for any of the following purposes: 21524~~

~~(a) The purchase of technology for instructional purposes for 21525~~
~~remediation; 21526~~

~~(b) All-day kindergarten; 21527~~

~~(c) Reduction of class sizes in grades kindergarten through 21528~~
~~three, as described in division (J)(7) of this section; 21529~~

~~(d) Summer school remediation; 21530~~

~~(e) Dropout prevention programs approved by the department of 21531~~

education under division (J)(4) of this section;	21532
(f) Guaranteeing that all third graders are ready to progress to more advanced work;	21533
(g) Summer education and work programs;	21534
(h) Adolescent pregnancy programs;	21535
(i) Head start, preschool, early childhood education, or early learning programs;	21536
(j) Reading improvement and remediation programs described by the department of education;	21537
(k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;	21538
(l) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;	21539
(m) School breakfasts provided pursuant to section 3313.813 of the Revised Code.	21540
(N) If at any time the superintendent of public instruction determines that a school district receiving funds under division (D) of this section has enrolled less <u>fewer</u> than the <u>number of</u> all-day kindergarten percentage <u>students</u> reported for that fiscal year, the superintendent shall withhold from the funds otherwise due the district under this section a proportional amount as determined by the difference in the certified all-day kindergarten percentage <u>ADM</u> and the percentage actually enrolled in <u>actual</u> all-day kindergarten <u>ADM</u> .	21541
The superintendent shall also withhold an appropriate amount	21542
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of funds otherwise due a district for any other misuse of funds 21562
not in accordance with this section. 21563

(O)(1) A district may use a portion of the funds ~~calculated~~ 21564
~~for it paid~~ under ~~division (D)~~ of this section to modify or 21565
purchase classroom space to provide all-day kindergarten, if both 21566
of the following conditions are met: 21567

(a) The district certifies to the department, in a manner 21568
acceptable to the department, that it has a shortage of space for 21569
providing all-day kindergarten. 21570

(b) The district provides all-day kindergarten to the number 21571
of children in the all-day kindergarten percentage it certified 21572
under this section. 21573

(2) A district may use a portion of the funds ~~described in~~ 21574
~~division (J)(7)~~ of paid under this section to modify or purchase 21575
classroom space to enable it to further reduce class size in 21576
grades kindergarten through two with a goal of attaining class 21577
sizes of fifteen students per licensed teacher. To do so, the 21578
district must certify its need for additional space to the 21579
department, in a manner satisfactory to the department. 21580

(P) Not later than the thirtieth day of September each year, 21581
each school district paid under this section shall report to the 21582
department, in the form and manner prescribed by the department, 21583
how the district deployed funds received under this section in the 21584
prior fiscal year. If a school district does not meet adequate 21585
progress standards as defined by the department, the department 21586
shall make recommendations to the district for deploying funds 21587
under this section in a more effective manner. 21588

Sec. 3317.0216. (A) As used in this section: 21589

(1) "Total taxes charged and payable for current expenses" 21590
means the sum of the taxes charged and payable as certified under 21591

division (A)(3)(a) of section 3317.021 of the Revised Code less 21592
any amounts reported under division (A)(3)(b) of that section, and 21593
the tax distribution for the preceding year under any school 21594
district income tax levied by the district pursuant to Chapter 21595
5748. of the Revised Code to the extent the revenue from the 21596
income tax is allocated or apportioned to current expenses. 21597

(2) "Charge-off amount" means two and three-tenths per cent 21598
multiplied by (the sum of recognized valuation and property 21599
exemption value). 21600

(3) Until fiscal year 2003, the "actual local share of 21601
special education, transportation, and vocational education 21602
funding" for any school district means the sum of the district's 21603
attributed local shares described in divisions (F)(1) to (3) of 21604
section 3317.022 of the Revised Code. Beginning in fiscal year 21605
2003, the "actual local share of special education, 21606
transportation, and vocational education funding" means that sum 21607
minus the amount of any excess cost supplement payment calculated 21608
for the district under division (F) of section 3317.022 of the 21609
Revised Code. 21610

~~(4) "Current expense revenues from the tangible property tax 21611
replacement fund" means payments received from the school district 21612
tangible property tax replacement fund or the general revenue fund 21613
under section 5751.21 of the Revised Code for fixed rate levies 21614
for current expenses and for fixed sum levies for current 21615
expenses, including school district emergency levies under 21616
sections 5705.194 to 5705.197 of the Revised Code. 21617~~

(B) Upon receiving the certifications under section 3317.021 21618
of the Revised Code, the department of education shall determine 21619
for each city, local, and exempted village school district whether 21620
the district's charge-off amount is greater than ~~the sum of the~~ 21621
district's total taxes charged and payable for current expenses 21622
~~and current expense revenues from the tangible property tax~~ 21623

~~replacement fund~~, and if the charge-off amount is greater, shall 21624
pay the district the amount of the difference. A payment shall not 21625
be made to any school district for which the computation under 21626
division (A) of section 3317.022 of the Revised Code equals zero. 21627

(C)(1) If a district's charge-off amount is equal to or 21628
greater than ~~the sum of~~ its total taxes charged and payable for 21629
current expenses ~~and current expense revenues from the tangible~~ 21630
~~property tax replacement fund~~, the department shall, in addition 21631
to the payment required under division (B) of this section, pay 21632
the district the amount of its actual local share of special 21633
education, transportation, and vocational education funding. 21634

(2) If a district's charge-off amount is less than ~~the sum of~~ 21635
its total taxes charged and payable for current expenses ~~and~~ 21636
~~current expense revenues from the tangible property tax~~ 21637
~~replacement fund~~, the department shall pay the district any amount 21638
by which its actual local share of special education, 21639
transportation, and vocational education funding exceeds ~~the sum~~ 21640
~~of~~ its total taxes charged and payable for current expenses ~~and~~ 21641
~~current expense revenues from the tangible property tax~~ 21642
~~replacement fund~~ minus its charge-off amount. 21643

(D) If a school district that received a payment under 21644
division (B) or (C) of this section in the prior fiscal year is 21645
ineligible for payment under those divisions in the current fiscal 21646
year, the department shall determine if the ineligibility is the 21647
result of a property tax or income tax levy approved by the 21648
district's voters to take effect in tax year 2005 or thereafter. 21649
If the department determines that is the case, and calculates that 21650
the levy causing the ineligibility exceeded by at least one mill 21651
the equivalent millage of the prior year's payment under divisions 21652
(B) and (C) of this section, the department shall make a payment 21653
to the district for the first three years that the district loses 21654
eligibility for payment under divisions (B) and (C) of this 21655

section, as follows: 21656

(1) In the first year of ineligibility, the department shall 21657
pay the district seventy-five per cent of the amount it last paid 21658
the district under divisions (B) and (C) of this section. 21659

(2) In the second year of ineligibility, the department shall 21660
pay the district fifty per cent of the amount it last paid the 21661
district under those divisions. 21662

(3) In the third year of ineligibility, the department shall 21663
pay the district twenty-five per cent of the amount it last paid 21664
the district under those divisions. 21665

(E) A district that receives payment under division (D) of 21666
this section and subsequently qualifies for payment under division 21667
(B) or (C) of this section is ineligible for future payments under 21668
division (D) of this section. 21669

(F) To enable the department of education to make the 21670
determinations and to calculate payments under division (D) of 21671
this section, on ~~the effective date of this amendment~~ March 30, 21672
2006, and on or before the first day of March of each year 21673
thereafter, the department shall send to the tax commissioner a 21674
list of school districts receiving payments under division (B) or 21675
(C) of this section for the current fiscal year. On or before the 21676
first day of the following June, the tax commissioner shall 21677
certify to the department of education for those school districts 21678
the information required by division (A)(8) of section 3317.021 of 21679
the Revised Code. 21680

Sec. 3317.0217. The Payment of the amount calculated for a 21681
school district under this section shall be made under division 21682
(A) of section 3317.022 of the Revised Code. 21683

The department of education shall annually compute ~~and pay~~ 21684
state parity aid to school districts, as follows: 21685

(A) Calculate the local wealth per pupil of each school district, which equals the following sum: 21686
21687

(1) Two-thirds times the quotient of (a) the district's recognized valuation divided by (b) its formula ADM; plus 21688
21689

(2) One-third times the quotient of (a) the average of the total federal adjusted gross income of the school district's residents for the three years most recently reported under section 3317.021 of the Revised Code divided by (b) its formula ADM. 21690
21691
21692
21693

(B) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil. 21694
21695
21696

(C) Compute the per pupil state parity aid funding for each eligible school district in accordance with the following formula: 21697
21698

(threshold local wealth 21699
per pupil - the district's local 21700
wealth per pupil) X 0.0075 parity millage 21701

Where: 21702

~~(1) Seven and one half mills (0.0075) is an adjustment to the original parity aid standard of nine and one half mills, to account for the general assembly's policy decision to phase out use of the cost of doing business factor in the base cost formula~~ 21703
21704
21705
21706

In fiscal year 2008, an "eligible school district" means a school district with a local wealth per pupil less than that of the school district with the four-hundred-eleventh lowest local wealth per pupil. In fiscal year 2009, an "eligible school district" means a school district with a local wealth per pupil less than that of the school district with the three-hundred-sixty-eighth lowest local wealth per pupil. 21707
21708
21709
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(2) The "threshold local wealth per pupil" is the local wealth per pupil of the school district with the four-hundred-ninetieth lowest local wealth per pupil. 21714
21715
21716

(3) "Parity millage," in fiscal year 2008, equals 0.0080 and, 21717
in fiscal year 2009, equals 0.0085. 21718

If the result of the calculation for a school district under 21719
division (C) of this section is less than zero, the district's per 21720
pupil parity aid shall be zero. 21721

(D) Compute the per pupil alternative parity aid for each 21722
school district that has a combination of an income factor of 1.0 21723
or less, a poverty index of 1.0 or greater, and a fiscal year 2005 21724
cost-of-doing-business factor of 1.0375 or greater, in accordance 21725
with the following formula: 21726

$$\begin{aligned} & \text{Payment percentage} \times \$60,000 \times & 21727 \\ & (1 - \text{income factor}) \times 4/15 \times 0.023 & 21728 \end{aligned}$$

Where: 21729

(1) "Poverty index" has the same meaning as in section 21730
3317.029 of the Revised Code. 21731

(2) "Payment percentage," for purposes of division (D) of 21732
this section, equals 50% in fiscal year 2002 and 100% after fiscal 21733
year 2002. 21734

(3) "Fiscal year 2005 cost-of-doing-business factor" means 21735
the cost-of-doing-business factor in effect for fiscal year 2005 21736
designated under former division (N) of section 3317.02 of the 21737
Revised Code as that division existed in fiscal year 2005. 21738

(E) Pay each district that has a combination of an income 21739
factor of 1.0 or less, a poverty index of 1.0 or greater, and a 21740
fiscal year 2005 cost-of-doing-business factor of 1.0375 or 21741
greater, the greater of the following: 21742

(1) The product of the district's per pupil parity aid 21743
calculated under division (C) of this section times its net 21744
formula ADM; 21745

(2) The product of its per pupil alternative parity aid 21746

calculated under division (D) of this section times its net 21747
formula ADM. 21748

(F) Pay every other district the product of its per pupil 21749
parity aid calculated under division (C) of this section times its 21750
net formula ADM. 21751

(G) As used in divisions (E) and (F) of this section, "net 21752
formula ADM" means formula ADM minus the number of internet- and 21753
computer-based community school students and scholarship students 21754
reported under divisions (B)(3)(e), or (f), ~~and (g)~~ of section 21755
3317.03 of the Revised Code. 21756

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 21757
(C) of this section, except as provided in division (A)(2)(~~h~~)(g) 21758
of this section, any student enrolled in kindergarten more than 21759
half time shall be reported as one-half student under this 21760
section. 21761

(A) The superintendent of each city and exempted village 21762
school district and of each educational service center shall, for 21763
the schools under the superintendent's supervision, certify to the 21764
state board of education on or before the fifteenth day of October 21765
in each year for the first full school week in October the formula 21766
ADM. ~~Beginning in fiscal year 2007, each superintendent also shall~~ 21767
~~certify to the state board, for the schools under the~~ 21768
~~superintendent's supervision, the formula ADM for the first full~~ 21769
~~week in February. If a school under the superintendent's~~ 21770
~~supervision is closed for one or more days during that week due to~~ 21771
~~hazardous weather conditions or other circumstances described in~~ 21772
~~the first paragraph of division (B) of section 3317.01 of the~~ 21773
~~Revised Code, the superintendent may apply to the superintendent~~ 21774
~~of public instruction for a waiver, under which the superintendent~~ 21775
~~of public instruction may exempt the district superintendent from~~ 21776
~~certifying the formula ADM for that school for that week and~~ 21777

~~specify an alternate week for certifying the formula ADM of that school.~~ 21778
21779

The formula ADM shall consist of the average daily membership during such week of the sum of the following: 21780
21781

(1) On an FTE basis, the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination: 21782
21783
21784
21785

(a) Students enrolled in adult education classes; 21786

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code; 21787
21788
21789

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code; 21790
21791
21792
21793

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code; 21794
21795

(e) Students receiving services in the district through a scholarship awarded under section 3310.41 of the Revised Code. 21796
21797

(2) On an FTE basis, except as provided in division (A)(2)~~(h)~~(g) of this section, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities: 21798
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21800
21801
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21803

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school; 21804
21805
21806
21807

(b) An alternative school pursuant to sections 3313.974 to 21808
3313.979 of the Revised Code as described in division (I)(2)(a) or 21809
(b) of this section; 21810

(c) A college pursuant to Chapter 3365. of the Revised Code, 21811
except when the student is enrolled in the college while also 21812
enrolled in a community school pursuant to Chapter 3314. of the 21813
Revised Code; 21814

(d) An adjacent or other school district under an open 21815
enrollment policy adopted pursuant to section 3313.98 of the 21816
Revised Code; 21817

(e) An educational service center or cooperative education 21818
district; 21819

(f) Another school district under a cooperative education 21820
agreement, compact, or contract; 21821

~~(g) A chartered nonpublic school with a scholarship paid 21822
under section 3310.08 of the Revised Code; 21823~~

~~(h)~~ An alternative public provider or a registered private 21824
provider with a scholarship awarded under section 3310.41 of the 21825
Revised Code. Each such scholarship student who is enrolled in 21826
kindergarten shall be counted as one full-time-equivalent student. 21827

As used in this section, "alternative public provider" and 21828
"registered private provider" have the same meanings as in section 21829
3310.41 of the Revised Code. 21830

(3) Twenty per cent of the number of students enrolled in a 21831
joint vocational school district or under a vocational education 21832
compact, excluding any students entitled to attend school in the 21833
district under section 3313.64 or 3313.65 of the Revised Code who 21834
are enrolled in another school district through an open enrollment 21835
policy as reported under division (A)(2)(d) of this section and 21836
then enroll in a joint vocational school district or under a 21837

vocational education compact; 21838

(4) The number of handicapped children, other than 21839
handicapped preschool children, entitled to attend school in the 21840
district pursuant to section 3313.64 or 3313.65 of the Revised 21841
Code who are placed by the district with a county MR/DD board, 21842
minus the number of such children placed with a county MR/DD board 21843
in fiscal year 1998. If this calculation produces a negative 21844
number, the number reported under division (A)(4) of this section 21845
shall be zero. 21846

~~(5) Beginning in fiscal year 2007, in the case of the report 21847
submitted for the first full week in February, or the alternative 21848
week if specified by the superintendent of public instruction, the 21849
number of students reported under division (A)(1) or (2) of this 21850
section for the first full week of the preceding October but who 21851
since that week have received high school diplomas. 21852~~

(B) To enable the department of education to obtain the data 21853
needed to complete the calculation of payments pursuant to this 21854
chapter, in addition to the formula ADM, each superintendent shall 21855
report separately the following student counts for the same week 21856
for which formula ADM is certified: 21857

(1) The total average daily membership in regular day classes 21858
included in the report under division (A)(1) or (2) of this 21859
section for kindergarten, and each of grades one through twelve in 21860
schools under the superintendent's supervision; 21861

(2) The number of all handicapped preschool children enrolled 21862
as of the first day of December in classes in the district that 21863
are eligible for approval under division (B) of section 3317.05 of 21864
the Revised Code and the number of those classes, which shall be 21865
reported not later than the fifteenth day of December, in 21866
accordance with rules adopted under that section; 21867

(3) The number of children entitled to attend school in the 21868

district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:	21869
	21870
(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	21871
	21872
	21873
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	21874
	21875
	21876
	21877
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	21878
	21879
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	21880
	21881
	21882
	21883
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	21885
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	21886
	21887
	21888
	21889
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	21890
	21891
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	21892
	21893
	21894
(h) <u>(g)</u> Enrolled as a handicapped preschool child in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	21895
	21896
	21897
(i) <u>(h)</u> Participating in a program operated by a county MR/DD	21898

board or a state institution.	21899
(4) The number of pupils enrolled in joint vocational schools;	21900 21901
(5) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;	21902 21903 21904 21905
(6) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code;	21906 21907 21908 21909
(7) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;	21910 21911 21912 21913
(8) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;	21914 21915 21916 21917
(9) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	21918 21919 21920 21921
(10) The combined average daily membership of handicapped children reported under division (A)(1) or (2) and under division (B)(3) (h) <u>(g)</u> of this section receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	21922 21923 21924 21925 21926 21927 21928 21929

(11) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other than a joint vocational school district, or by an educational service center, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school, notwithstanding division (C) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(12) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two vocational education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district, other than a joint vocational school district, or by an educational service center, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school, notwithstanding division (C) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(13) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;

(14)(a) The number of children, other than handicapped preschool children, the district placed with a county MR/DD board in fiscal year 1998;

(b) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;

(c) The number of handicapped children, other than 21962
handicapped preschool children, placed with a county MR/DD board 21963
in the current fiscal year to receive special education services 21964
for category two handicaps described in division (B) of section 21965
3317.013 of the Revised Code; 21966

(d) The number of handicapped children, other than 21967
handicapped preschool children, placed with a county MR/DD board 21968
in the current fiscal year to receive special education services 21969
for category three handicaps described in division (C) of section 21970
3317.013 of the Revised Code; 21971

(e) The number of handicapped children, other than 21972
handicapped preschool children, placed with a county MR/DD board 21973
in the current fiscal year to receive special education services 21974
for category four handicaps described in division (D) of section 21975
3317.013 of the Revised Code; 21976

(f) The number of handicapped children, other than 21977
handicapped preschool children, placed with a county MR/DD board 21978
in the current fiscal year to receive special education services 21979
for the category five handicap described in division (E) of 21980
section 3317.013 of the Revised Code; 21981

(g) The number of handicapped children, other than 21982
handicapped preschool children, placed with a county MR/DD board 21983
in the current fiscal year to receive special education services 21984
for category six handicaps described in division (F) of section 21985
3317.013 of the Revised Code. 21986

(C)(1) Except as otherwise provided in this section for 21987
kindergarten students, the average daily membership in divisions 21988
(B)(1) to (12) of this section shall be based upon the number of 21989
full-time equivalent students. The state board of education shall 21990
adopt rules defining full-time equivalent students and for 21991
determining the average daily membership therefrom for the 21992

purposes of divisions (A), (B), and (D) of this section. 21993

(2) A student enrolled in a community school established 21994
under Chapter 3314. of the Revised Code shall be counted in the 21995
formula ADM and, if applicable, the category one, two, three, 21996
four, five, or six special education ADM of the school district in 21997
which the student is entitled to attend school under section 21998
3313.64 or 3313.65 of the Revised Code for the same proportion of 21999
the school year that the student is counted in the enrollment of 22000
the community school for purposes of section 3314.08 of the 22001
Revised Code. 22002

(3) No child shall be counted as more than a total of one 22003
child in the sum of the average daily memberships of a school 22004
district under division (A), divisions (B)(1) to (12), or division 22005
(D) of this section, except as follows: 22006

(a) A child with a handicap described in section 3317.013 of 22007
the Revised Code may be counted both in formula ADM and in 22008
category one, two, three, four, five, or six special education ADM 22009
and, if applicable, in category one or two vocational education 22010
ADM. As provided in division (C) of section 3317.02 of the Revised 22011
Code, such a child shall be counted in category one, two, three, 22012
four, five, or six special education ADM in the same proportion 22013
that the child is counted in formula ADM. 22014

(b) A child enrolled in vocational education programs or 22015
classes described in section 3317.014 of the Revised Code may be 22016
counted both in formula ADM and category one or two vocational 22017
education ADM and, if applicable, in category one, two, three, 22018
four, five, or six special education ADM. Such a child shall be 22019
counted in category one or two vocational education ADM in the 22020
same proportion as the percentage of time that the child spends in 22021
the vocational education programs or classes. 22022

(4) Based on the information reported under this section, the 22023

department of education shall determine the total student count, 22024
as defined in section 3301.011 of the Revised Code, for each 22025
school district. 22026

(D)(1) The superintendent of each joint vocational school 22027
district shall certify to the superintendent of public instruction 22028
on or before the fifteenth day of October in each year for the 22029
first full school week in October the formula ADM. ~~Beginning in~~ 22030
~~fiscal year 2007, each superintendent also shall certify to the~~ 22031
~~state superintendent the formula ADM for the first full week in~~ 22032
~~February. If a school operated by the joint vocational school~~ 22033
~~district is closed for one or more days during that week due to~~ 22034
~~hazardous weather conditions or other circumstances described in~~ 22035
~~the first paragraph of division (B) of section 3317.01 of the~~ 22036
~~Revised Code, the superintendent may apply to the superintendent~~ 22037
~~of public instruction for a waiver, under which the superintendent~~ 22038
~~of public instruction may exempt the district superintendent from~~ 22039
~~certifying the formula ADM for that school for that week and~~ 22040
~~specify an alternate week for certifying the formula ADM of that~~ 22041
~~school.~~ 22042

The formula ADM, except as otherwise provided in this 22043
division, shall consist of the average daily membership during 22044
such week, on an FTE basis, of the number of students receiving 22045
any educational services from the district, including students 22046
enrolled in a community school established under Chapter 3314. of 22047
the Revised Code who are attending the joint vocational district 22048
under an agreement between the district board of education and the 22049
governing authority of the community school and are entitled to 22050
attend school in a city, local, or exempted village school 22051
district whose territory is part of the territory of the joint 22052
vocational district. ~~Beginning in fiscal year 2007, in the case of~~ 22053
~~the report submitted for the first week in February, or the~~ 22054
~~alternative week if specified by the superintendent of public~~ 22055

~~instruction, the superintendent of the joint vocational school 22056
district may include the number of students reported under 22057
division (D)(1) of this section for the first full week of the 22058
preceding October but who since that week have received high 22059
school diplomas. 22060~~

The following categories of students shall not be included in 22061
the determination made under division (D)(1) of this section: 22062

(a) Students enrolled in adult education classes; 22063

(b) Adjacent or other district joint vocational students 22064
enrolled in the district under an open enrollment policy pursuant 22065
to section 3313.98 of the Revised Code; 22066

(c) Students receiving services in the district pursuant to a 22067
compact, cooperative education agreement, or a contract, but who 22068
are entitled to attend school in a city, local, or exempted 22069
village school district whose territory is not part of the 22070
territory of the joint vocational district; 22071

(d) Students for whom tuition is payable pursuant to sections 22072
3317.081 and 3323.141 of the Revised Code. 22073

(2) To enable the department of education to obtain the data 22074
needed to complete the calculation of payments pursuant to this 22075
chapter, in addition to the formula ADM, each superintendent shall 22076
report separately the average daily membership included in the 22077
report under division (D)(1) of this section for each of the 22078
following categories of students for the same week for which 22079
formula ADM is certified: 22080

(a) Students enrolled in each grade included in the joint 22081
vocational district schools; 22082

(b) Handicapped children receiving special education services 22083
for the category one handicap described in division (A) of section 22084
3317.013 of the Revised Code; 22085

(c) Handicapped children receiving special education services	22086
for the category two handicaps described in division (B) of	22087
section 3317.013 of the Revised Code;	22088
(d) Handicapped children receiving special education services	22089
for category three handicaps described in division (C) of section	22090
3317.013 of the Revised Code;	22091
(e) Handicapped children receiving special education services	22092
for category four handicaps described in division (D) of section	22093
3317.013 of the Revised Code;	22094
(f) Handicapped children receiving special education services	22095
for the category five handicap described in division (E) of	22096
section 3317.013 of the Revised Code;	22097
(g) Handicapped children receiving special education services	22098
for category six handicaps described in division (F) of section	22099
3317.013 of the Revised Code;	22100
(h) Students receiving category one vocational education	22101
services, described in division (A) of section 3317.014 of the	22102
Revised Code;	22103
(i) Students receiving category two vocational education	22104
services, described in division (B) of section 3317.014 of the	22105
Revised Code.	22106
The superintendent of each joint vocational school district	22107
shall also indicate the city, local, or exempted village school	22108
district in which each joint vocational district pupil is entitled	22109
to attend school pursuant to section 3313.64 or 3313.65 of the	22110
Revised Code.	22111
(E) In each school of each city, local, exempted village,	22112
joint vocational, and cooperative education school district there	22113
shall be maintained a record of school membership, which record	22114
shall accurately show, for each day the school is in session, the	22115

actual membership enrolled in regular day classes. For the purpose 22116
of determining average daily membership, the membership figure of 22117
any school shall not include any pupils except those pupils 22118
described by division (A) of this section. The record of 22119
membership for each school shall be maintained in such manner that 22120
no pupil shall be counted as in membership prior to the actual 22121
date of entry in the school and also in such manner that where for 22122
any cause a pupil permanently withdraws from the school that pupil 22123
shall not be counted as in membership from and after the date of 22124
such withdrawal. There shall not be included in the membership of 22125
any school any of the following: 22126

(1) Any pupil who has graduated from the twelfth grade of a 22127
public or nonpublic high school; 22128

(2) Any pupil who is not a resident of the state; 22129

(3) Any pupil who was enrolled in the schools of the district 22130
during the previous school year when tests were administered under 22131
section 3301.0711 of the Revised Code but did not take one or more 22132
of the tests required by that section and was not excused pursuant 22133
to division (C)(1) or (3) of that section; 22134

(4) Any pupil who has attained the age of twenty-two years, 22135
except for veterans of the armed services whose attendance was 22136
interrupted before completing the recognized twelve-year course of 22137
the public schools by reason of induction or enlistment in the 22138
armed forces and who apply for reenrollment in the public school 22139
system of their residence not later than four years after 22140
termination of war or their honorable discharge. 22141

If, however, any veteran described by division (E)(4) of this 22142
section elects to enroll in special courses organized for veterans 22143
for whom tuition is paid under the provisions of federal laws, or 22144
otherwise, that veteran shall not be included in average daily 22145
membership. 22146

Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take a test required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the test to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.

Except as provided in divisions (B)(2) and (F) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be determined by dividing the figure representing the sum of the number of pupils enrolled during each day the school of attendance is actually open for instruction during the week for which the formula ADM is being certified by the total number of days the school was actually open for instruction during that week. For purposes of state funding, "enrolled" persons are only those pupils who are attending school, those who have attended school during the current school year and are absent for authorized reasons, and those handicapped children currently receiving home instruction.

The average daily membership figure of any cooperative education school district shall be determined in accordance with rules adopted by the state board of education.

(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth

day of February. For the balance of the fiscal year, beginning 22179
with the February payments, the superintendent of public 22180
instruction shall use the increased formula ADM in calculating or 22181
recalculating the amounts to be allocated in accordance with 22182
section 3317.022 or 3317.16 of the Revised Code. In no event shall 22183
the superintendent use an increased membership certified to the 22184
superintendent after the fifteenth day of February. ~~Division~~ 22185
~~(F)(1) of this section does not apply after fiscal year 2006.~~ 22186

(2) If on the first school day of April the total number of 22187
classes or units for handicapped preschool children that are 22188
eligible for approval under division (B) of section 3317.05 of the 22189
Revised Code exceeds the number of units that have been approved 22190
for the year under that division, the superintendent of schools of 22191
any city, exempted village, or cooperative education school 22192
district or educational service center shall make the 22193
certifications required by this section for that day. If the 22194
department determines additional units can be approved for the 22195
fiscal year within any limitations set forth in the acts 22196
appropriating moneys for the funding of such units, the department 22197
shall approve additional units for the fiscal year on the basis of 22198
such average daily membership. For each unit so approved, the 22199
department shall pay an amount computed in the manner prescribed 22200
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 22201
Code. 22202

(3) If a student attending a community school under Chapter 22203
3314. of the Revised Code is not included in the formula ADM 22204
certified for the school district in which the student is entitled 22205
to attend school under section 3313.64 or 3313.65 of the Revised 22206
Code, the department of education shall adjust the formula ADM of 22207
that school district to include the community school student in 22208
accordance with division (C)(2) of this section, and shall 22209
recalculate the school district's payments under this chapter for 22210

the entire fiscal year on the basis of that adjusted formula ADM. 22211
This requirement applies regardless of whether the student was 22212
enrolled, as defined in division (E) of this section, in the 22213
community school during the week for which the formula ADM is 22214
being certified. 22215

~~(4) If a student awarded an educational choice scholarship is 22216
not included in the formula ADM of the school district from which 22217
the department deducts funds for the scholarship under section 22218
3310.08 of the Revised Code, the department shall adjust the 22219
formula ADM of that school district to include the student to the 22220
extent necessary to account for the deduction, and shall 22221
recalculate the school district's payments under this chapter for 22222
the entire fiscal year on the basis of that adjusted formula ADM. 22223
This requirement applies regardless of whether the student was 22224
enrolled, as defined in division (E) of this section, in the 22225
chartered nonpublic school, the school district, or a community 22226
school during the week for which the formula ADM is being 22227
certified. 22228~~

(G)(1)(a) The superintendent of an institution operating a 22229
special education program pursuant to section 3323.091 of the 22230
Revised Code shall, for the programs under such superintendent's 22231
supervision, certify to the state board of education, in the 22232
manner prescribed by the superintendent of public instruction, 22233
both of the following: 22234

(i) The average daily membership of all handicapped children 22235
other than handicapped preschool children receiving services at 22236
the institution for each category of handicap described in 22237
divisions (A) to (F) of section 3317.013 of the Revised Code; 22238

(ii) The average daily membership of all handicapped 22239
preschool children in classes or programs approved annually by the 22240
department of education for unit funding under section 3317.05 of 22241
the Revised Code. 22242

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the number of all handicapped preschool children enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.

(3)(a) If on the first school day of April the number of classes or units maintained for handicapped preschool children by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day.

(b) If the department determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (G)(3)(a) of this section, the department shall approve and fund additional units for the

fiscal year on the basis of such average daily membership. For 22274
each unit so approved, the department shall pay an amount computed 22275
in the manner prescribed in sections 3317.052 and 3317.053 of the 22276
Revised Code. 22277

(H) Except as provided in division (I) of this section, when 22278
any city, local, or exempted village school district provides 22279
instruction for a nonresident pupil whose attendance is 22280
unauthorized attendance as defined in section 3327.06 of the 22281
Revised Code, that pupil's membership shall not be included in 22282
that district's membership figure used in the calculation of that 22283
district's formula ADM or included in the determination of any 22284
unit approved for the district under section 3317.05 of the 22285
Revised Code. The reporting official shall report separately the 22286
average daily membership of all pupils whose attendance in the 22287
district is unauthorized attendance, and the membership of each 22288
such pupil shall be credited to the school district in which the 22289
pupil is entitled to attend school under division (B) of section 22290
3313.64 or section 3313.65 of the Revised Code as determined by 22291
the department of education. 22292

(I)(1) A city, local, exempted village, or joint vocational 22293
school district admitting a scholarship student of a pilot project 22294
district pursuant to division (C) of section 3313.976 of the 22295
Revised Code may count such student in its average daily 22296
membership. 22297

(2) In any year for which funds are appropriated for pilot 22298
project scholarship programs, a school district implementing a 22299
state-sponsored pilot project scholarship program that year 22300
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 22301
count in average daily membership: 22302

(a) All children residing in the district and utilizing a 22303
scholarship to attend kindergarten in any alternative school, as 22304
defined in section 3313.974 of the Revised Code; 22305

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction discovers an error in the formula ADM certified by a district superintendent, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXVIII of the Revised Code be adjusted in the amount of the error.

Sec. 3317.04. The amount paid to school districts in each fiscal year under Chapter 3317. of the Revised Code shall not be less than the following:

(A) In the case of a district created under section 3311.26 or 3311.37 of the Revised Code, the amount paid shall not be less, in any of the three succeeding fiscal years following the creation, than the sum of the amounts allocated under Chapter 3317. of the Revised Code to the districts separately in the year of the creation.

(B) In the case of a school district which is transferred to another school district or districts, pursuant to section 3311.22, 3311.231, or 3311.38 of the Revised Code, the amount paid to the district accepting the transferred territory shall not be less, in any of the three succeeding fiscal years following the transfer,

than the sum of the amounts allocated under Chapter 3317. of the Revised Code to the districts separately in the year of the consummation of the transfer.

~~(C) In the case of any school district, the amount paid under Chapter 3317. of the Revised Code to the district in the fiscal year of distribution shall not be less than that paid under such chapter in the preceding fiscal year, less any amount paid in that preceding fiscal year under section 3317.0216 of the Revised Code, if in the calendar year ending the thirty first day of December preceding the fiscal year of distribution, the county auditor of the county to which the district has been assigned by the department of education for administrative purposes has completed reassessment of all real estate within the county, or the tax duplicate of that county was increased by the application of a uniform taxable value per cent of true value pursuant to a rule or order of the tax commissioner and the revised valuations were entered on the tax list and duplicate. Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised Code, this minimum guarantee is applicable only during the fiscal year immediately following the reassessment or application.~~

~~(D) In the case of any school district that has territory in three or more counties, each of which contains at least twenty per cent of the district's territory, the amount paid under Chapter 3317. of the Revised Code to the district in the fiscal year of distribution shall not be less than that paid under such chapter in the preceding fiscal year, less any amount paid in that preceding fiscal year under section 3317.0216 of the Revised Code, if in the calendar year ending the thirty first day of December preceding the fiscal year of distribution, the county auditor of any such county completed reassessment of all real estate within the county, or the tax duplicate of any such county was increased by the application of a uniform taxable value per cent of true~~

~~value pursuant to a rule or order of the tax commissioner and the 22369
revised valuations were entered on the tax list and duplicate. 22370
Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, and 22371
3311.38 of the Revised Code, this minimum guarantee is applicable 22372
only during the fiscal year immediately following the reassessment 22373
or application. 22374~~

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, 22375
and 3311.38 of the Revised Code, the minimum guarantees prescribed 22376
by divisions (A) and (B) of this section shall not affect the 22377
amount of aid received by a school district for more than three 22378
consecutive years. 22379

Sec. 3317.05. (A) For the purpose of calculating payments 22380
under sections 3317.052 and 3317.053 of the Revised Code, the 22381
department of education shall determine for each institution, by 22382
the last day of January of each year and based on information 22383
certified under section 3317.03 of the Revised Code, the number of 22384
vocational education units or fractions of units approved by the 22385
department on the basis of standards and rules adopted by the 22386
state board of education. As used in this division, "institution" 22387
means an institution operated by a department specified in section 22388
3323.091 of the Revised Code and that provides vocational 22389
education programs under the supervision of the division of 22390
vocational education of the department that meet the standards and 22391
rules for these programs, including licensure of professional 22392
staff involved in the programs, as established by the state board. 22393

(B) For the purpose of calculating payments under sections 22394
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 22395
department shall determine, based on information certified under 22396
section 3317.03 of the Revised Code, the following by the last day 22397
of January of each year for each educational service center, for 22398
each school district, including each cooperative education school 22399

district, for each institution eligible for payment under section 22400
3323.091 of the Revised Code, and for each county MR/DD board: the 22401
number of classes operated by the school district, service center, 22402
institution, or county MR/DD board for handicapped preschool 22403
children, or fraction thereof, including in the case of a district 22404
or service center that is a funding agent, classes taught by a 22405
licensed teacher employed by that district or service center under 22406
section 3313.841 of the Revised Code, approved annually by the 22407
department on the basis of standards and rules adopted by the 22408
state board. 22409

(C) For the purpose of calculating payments under sections 22410
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 22411
department shall determine, based on information certified under 22412
section 3317.03 of the Revised Code, the following by the last day 22413
of January of each year for each school district, including each 22414
cooperative education school district, for each institution 22415
eligible for payment under section 3323.091 of the Revised Code, 22416
and for each county MR/DD board: the number of preschool 22417
handicapped units for related services, as defined in section 22418
3323.01 of the Revised Code, approved annually by the department 22419
on the basis of standards and rules adopted by the state board. 22420

(D) All of the arithmetical calculations made under this 22421
section shall be carried to the second decimal place. The total 22422
number of units for school districts, service centers, and 22423
institutions approved annually under this section shall not exceed 22424
the number of units included in the estimate of cost for these 22425
units and appropriations made for them by the general assembly. 22426

In the case of handicapped preschool units described in 22427
division (B) of this section, the department shall approve only 22428
preschool units for children who are under age six on the 22429
thirtieth day of September of the academic year, ~~or on the first~~ 22430
~~day of August of the academic year if the school district in which~~ 22431

~~the child is enrolled has adopted a resolution under division~~ 22432
~~(A)(3) of section 3321.01 of the Revised Code, but not less than~~ 22433
age three on the first day of December of the academic year, 22434
except that such a unit may include one or more children who are 22435
under age three or are age six or over on the applicable date, as 22436
reported under division (B)(2) or (G)(2)(b) of section 3317.03 of 22437
the Revised Code, if such children have been admitted to the unit 22438
pursuant to rules of the state board. The number of units for 22439
county MR/DD boards and institutions eligible for payment under 22440
section 3323.091 of the Revised Code approved under this section 22441
shall not exceed the number that can be funded with appropriations 22442
made for such purposes by the general assembly. 22443

No unit shall be approved under divisions (B) and (C) of this 22444
section unless a plan has been submitted and approved under 22445
Chapter 3323. of the Revised Code. 22446

(E) The department shall approve units or fractions thereof 22447
for gifted children on the basis of standards and rules adopted by 22448
the state board. 22449

Sec. 3317.06. Moneys paid to school districts under division 22450
(I) of section 3317.024 of the Revised Code shall be used for the 22451
following independent and fully severable purposes: 22452

(A) To purchase such secular textbooks or electronic 22453
textbooks as have been approved by the superintendent of public 22454
instruction for use in public schools in the state and to loan 22455
such textbooks or electronic textbooks to pupils attending 22456
nonpublic schools within the district or to their parents and to 22457
hire clerical personnel to administer such lending program. Such 22458
loans shall be based upon individual requests submitted by such 22459
nonpublic school pupils or parents. Such requests shall be 22460
submitted to the school district in which the nonpublic school is 22461
located. Such individual requests for the loan of textbooks or 22462

electronic textbooks shall, for administrative convenience, be 22463
submitted by the nonpublic school pupil or the pupil's parent to 22464
the nonpublic school, which shall prepare and submit collective 22465
summaries of the individual requests to the school district. As 22466
used in this section: 22467

(1) "Textbook" means any book or book substitute that a pupil 22468
uses as a consumable or nonconsumable text, text substitute, or 22469
text supplement in a particular class or program in the school the 22470
pupil regularly attends. 22471

(2) "Electronic textbook" means computer software, 22472
interactive videodisc, magnetic media, CD-ROM, computer 22473
courseware, local and remote computer assisted instruction, 22474
on-line service, electronic medium, or other means of conveying 22475
information to the student or otherwise contributing to the 22476
learning process through electronic means. 22477

(B) To provide speech and hearing diagnostic services to 22478
pupils attending nonpublic schools within the district. Such 22479
service shall be provided in the nonpublic school attended by the 22480
pupil receiving the service. 22481

(C) To provide physician, nursing, dental, and optometric 22482
services to pupils attending nonpublic schools within the 22483
district. Such services shall be provided in the school attended 22484
by the nonpublic school pupil receiving the service. 22485

(D) To provide diagnostic psychological services to pupils 22486
attending nonpublic schools within the district. Such services 22487
shall be provided in the school attended by the pupil receiving 22488
the service. 22489

(E) To provide therapeutic psychological and speech and 22490
hearing services to pupils attending nonpublic schools within the 22491
district. Such services shall be provided in the public school, in 22492
nonpublic schools, in public centers, or in mobile units located 22493

on or off of the nonpublic premises. If such services are provided 22494
in the public school or in public centers, transportation to and 22495
from such facilities shall be provided by the school district in 22496
which the nonpublic school is located. 22497

(F) To provide guidance and counseling services to pupils 22498
attending nonpublic schools within the district. Such services 22499
shall be provided in the public school, in nonpublic schools, in 22500
public centers, or in mobile units located on or off of the 22501
nonpublic premises. If such services are provided in the public 22502
school or in public centers, transportation to and from such 22503
facilities shall be provided by the school district in which the 22504
nonpublic school is located. 22505

(G) To provide remedial services to pupils attending 22506
nonpublic schools within the district. Such services shall be 22507
provided in the public school, in nonpublic schools, in public 22508
centers, or in mobile units located on or off of the nonpublic 22509
premises. If such services are provided in the public school or in 22510
public centers, transportation to and from such facilities shall 22511
be provided by the school district in which the nonpublic school 22512
is located. 22513

(H) To supply for use by pupils attending nonpublic schools 22514
within the district such standardized tests and scoring services 22515
as are in use in the public schools of the state; 22516

(I) To provide programs for children who attend nonpublic 22517
schools within the district and are handicapped children as 22518
defined in division (A) of section 3323.01 of the Revised Code or 22519
gifted children. Such programs shall be provided in the public 22520
school, in nonpublic schools, in public centers, or in mobile 22521
units located on or off of the nonpublic premises. If such 22522
programs are provided in the public school or in public centers, 22523
transportation to and from such facilities shall be provided by 22524
the school district in which the nonpublic school is located. 22525

(J) To hire clerical personnel to assist in the 22526
administration of programs pursuant to divisions (B), (C), (D), 22527
(E), (F), (G), and (I) of this section and to hire supervisory 22528
personnel to supervise the providing of services and textbooks 22529
pursuant to this section. 22530

(K) To purchase or lease any secular, neutral, and 22531
nonideological computer software (including site-licensing), 22532
prerecorded video laserdiscs, digital video on demand (DVD), 22533
compact discs, and video cassette cartridges, wide area 22534
connectivity and related technology as it relates to internet 22535
access, mathematics or science equipment and materials, 22536
instructional materials, and school library materials that are in 22537
general use in the public schools of the state and loan such items 22538
to pupils attending nonpublic schools within the district or to 22539
their parents, and to hire clerical personnel to administer the 22540
lending program. Only such items that are incapable of diversion 22541
to religious use and that are susceptible of loan to individual 22542
pupils and are furnished for the use of individual pupils shall be 22543
purchased and loaned under this division. As used in this section, 22544
"instructional materials" means prepared learning materials that 22545
are secular, neutral, and nonideological in character and are of 22546
benefit to the instruction of school children, and may include 22547
educational resources and services developed by the eTech Ohio 22548
commission. 22549

(L) To purchase or lease instructional equipment, including 22550
computer hardware and related equipment in general use in the 22551
public schools of the state, for use by pupils attending nonpublic 22552
schools within the district and to loan such items to pupils 22553
attending nonpublic schools within the district or to their 22554
parents, and to hire clerical personnel to administer the lending 22555
program. 22556

(M) To purchase mobile units to be used for the provision of 22557

services pursuant to divisions (E), (F), (G), and (I) of this 22558
section and to pay for necessary repairs and operating costs 22559
associated with these units. 22560

(N) To reimburse costs the district incurred to store the 22561
records of a chartered nonpublic school that closes. 22562
Reimbursements under this division shall be made one time only for 22563
each chartered nonpublic school that closes. 22564

Clerical and supervisory personnel hired pursuant to division 22565
(J) of this section shall perform their services in the public 22566
schools, in nonpublic schools, public centers, or mobile units 22567
where the services are provided to the nonpublic school pupil, 22568
except that such personnel may accompany pupils to and from the 22569
service sites when necessary to ensure the safety of the children 22570
receiving the services. 22571

All services provided pursuant to this section may be 22572
provided under contract with educational service centers, the 22573
department of health, city or general health districts, or private 22574
agencies whose personnel are properly licensed by an appropriate 22575
state board or agency. 22576

Transportation of pupils provided pursuant to divisions (E), 22577
(F), (G), and (I) of this section shall be provided by the school 22578
district from its general funds and not from moneys paid to it 22579
under division (I) of section 3317.024 of the Revised Code unless 22580
a special transportation request is submitted by the parent of the 22581
child receiving service pursuant to such divisions. If such an 22582
application is presented to the school district, it may pay for 22583
the transportation from moneys paid to it under division (I) of 22584
section 3317.024 of the Revised Code. 22585

No school district shall provide health or remedial services 22586
to nonpublic school pupils as authorized by this section unless 22587
such services are available to pupils attending the public schools 22588

within the district. 22589

Materials, equipment, computer hardware or software, 22590
textbooks, electronic textbooks, and health and remedial services 22591
provided for the benefit of nonpublic school pupils pursuant to 22592
this section and the admission of pupils to such nonpublic schools 22593
shall be provided without distinction as to race, creed, color, or 22594
national origin of such pupils or of their teachers. 22595

No school district shall provide services, materials, or 22596
equipment that contain religious content for use in religious 22597
courses, devotional exercises, religious training, or any other 22598
religious activity. 22599

As used in this section, "parent" includes a person standing 22600
in loco parentis to a child. 22601

Notwithstanding section 3317.01 of the Revised Code, payments 22602
shall be made under this section to any city, local, or exempted 22603
village school district within which is located one or more 22604
nonpublic elementary or high schools and any payments made to 22605
school districts under division (I) of section 3317.024 of the 22606
Revised Code for purposes of this section may be disbursed without 22607
submission to and approval of the controlling board. 22608

The allocation of payments for materials, equipment, 22609
textbooks, electronic textbooks, health services, and remedial 22610
services to city, local, and exempted village school districts 22611
shall be on the basis of the state board of education's estimated 22612
annual average daily membership in nonpublic elementary and high 22613
schools located in the district. 22614

Payments made to city, local, and exempted village school 22615
districts under this section shall be equal to specific 22616
appropriations made for the purpose. All interest earned by a 22617
school district on such payments shall be used by the district for 22618
the same purposes and in the same manner as the payments may be 22619

used. 22620

The department of education shall adopt guidelines and 22621
procedures under which such programs and services shall be 22622
provided, under which districts shall be reimbursed for 22623
administrative costs incurred in providing such programs and 22624
services, and under which any unexpended balance of the amounts 22625
appropriated by the general assembly to implement this section may 22626
be transferred to the auxiliary services personnel unemployment 22627
compensation fund established pursuant to section 4141.47 of the 22628
Revised Code. The department shall also adopt guidelines and 22629
procedures limiting the purchase and loan of the items described 22630
in division (K) of this section to items that are in general use 22631
in the public schools of the state, that are incapable of 22632
diversion to religious use, and that are susceptible to individual 22633
use rather than classroom use. Within thirty days after the end of 22634
each biennium, each board of education shall remit to the 22635
department all moneys paid to it under division (I) of section 22636
3317.024 of the Revised Code and any interest earned on those 22637
moneys that are not required to pay expenses incurred under this 22638
section during the biennium for which the money was appropriated 22639
and during which the interest was earned. If a board of education 22640
subsequently determines that the remittal of moneys leaves the 22641
board with insufficient money to pay all valid expenses incurred 22642
under this section during the biennium for which the remitted 22643
money was appropriated, the board may apply to the department of 22644
education for a refund of money, not to exceed the amount of the 22645
insufficiency. If the department determines the expenses were 22646
lawfully incurred and would have been lawful expenditures of the 22647
refunded money, it shall certify its determination and the amount 22648
of the refund to be made to the director of job and family 22649
services who shall make a refund as provided in section 4141.47 of 22650
the Revised Code. 22651

Each school district shall label materials, equipment, computer hardware or software, textbooks, and electronic textbooks purchased or leased for loan to a nonpublic school under this section, acknowledging that they were purchased or leased with state funds under this section. However, a district need not label materials, equipment, computer hardware or software, textbooks, or electronic textbooks that the district determines are consumable in nature or have a value of less than two hundred dollars.

Sec. 3317.08. A board of education may admit to its schools a child it is not required by section 3313.64 or 3313.65 of the Revised Code to admit, if tuition is paid for the child.

Unless otherwise provided by law, tuition shall be computed in accordance with this section. A district's tuition charge for a school year shall be one of the following:

(A) For any child, except a handicapped preschool child described in division (B) of this section, the quotient obtained by dividing the sum of the amounts described in divisions (A)(1) and (2) of this section by the district's formula ADM.

(1) The district's total taxes charged and payable for current expenses for the tax year preceding the tax year in which the school year begins as certified under division (A)(3) of section 3317.021 of the Revised Code.

(2) The district's total taxes collected for current expenses under a school district income tax adopted pursuant to section 5748.03 or 5748.08 of the Revised Code that are disbursed to the district during the fiscal year. On or before the first day of June of each year, the tax commissioner shall certify the amount to be used in the calculation under this division for the next fiscal year to the department of education and the office of budget and management for each city, local, and exempted village school district that levies a school district income tax.

(B) For any handicapped preschool child not included in a unit approved under division (B) of section 3317.05 of the Revised Code, an amount computed for the school year as follows:

(1) For each type of special education service provided to the child for whom tuition is being calculated, determine the amount of the district's operating expenses in providing that type of service to all handicapped preschool children not included in units approved under division (B) of section 3317.05 of the Revised Code;

(2) For each type of special education service for which operating expenses are determined under division (B)(1) of this section, determine the amount of such operating expenses that was paid from any state funds received under this chapter;

(3) For each type of special education service for which operating expenses are determined under division (B)(1) of this section, divide the difference between the amount determined under division (B)(1) of this section and the amount determined under division (B)(2) of this section by the total number of handicapped preschool children not included in units approved under division (B) of section 3317.05 of the Revised Code who received that type of service;

(4) Determine the sum of the quotients obtained under division (B)(3) of this section for all types of special education services provided to the child for whom tuition is being calculated.

The state board of education shall adopt rules defining the types of special education services and specifying the operating expenses to be used in the computation under this section.

If any child for whom a tuition charge is computed under this section for any school year is enrolled in a district for only part of that school year, the amount of the district's tuition

charge for the child for the school year shall be computed in 22714
proportion to the number of school days the child is enrolled in 22715
the district during the school year. 22716

Except as otherwise provided in division (J) of section 22717
3313.64 of the Revised Code, whenever a district admits a child to 22718
its schools for whom tuition computed in accordance with this 22719
section is an obligation of another school district, the amount of 22720
the tuition shall be certified by the treasurer of the board of 22721
education of the district of attendance, to the board of education 22722
of the district required to pay tuition for its approval and 22723
payment. If agreement as to the amount payable or the district 22724
required to pay the tuition cannot be reached, or the board of 22725
education of the district required to pay the tuition refuses to 22726
pay that amount, the board of education of the district of 22727
attendance shall notify the superintendent of public instruction. 22728
The superintendent shall determine the correct amount and the 22729
district required to pay the tuition and shall deduct that amount, 22730
if any, under division (G) of section 3317.023 of the Revised 22731
Code, from the district required to pay the tuition and add that 22732
amount to the amount allocated to the district attended under such 22733
division. The superintendent of public instruction shall send to 22734
the district required to pay the tuition an itemized statement 22735
showing such deductions at the time of such deduction. 22736

When a political subdivision owns and operates an airport, 22737
welfare, or correctional institution or other project or facility 22738
outside its corporate limits, the territory within which the 22739
facility is located is exempt from taxation by the school district 22740
within which such territory is located, and there are school age 22741
children residing within such territory, the political subdivision 22742
owning such tax exempt territory shall pay tuition to the district 22743
in which such children attend school. The tuition for these 22744
children shall be computed as provided for in this section. 22745

Sec. 3317.14. Any school district board of education or 22746
educational service center governing board participating in funds 22747
distributed under Chapter 3317. of the Revised Code shall annually 22748
adopt a teachers' salary schedule with provision for increments 22749
based upon training and years of service. Notwithstanding sections 22750
3317.13 and 3319.088 of the Revised Code, the board may establish 22751
its own service requirements and may grant service credit for such 22752
activities as teaching in public or nonpublic schools in this 22753
state or in another state, for service as an educational assistant 22754
other than as a classroom aide employed in accordance with section 22755
~~5107.541~~ 5107.47 of the Revised Code, and for service in the 22756
military or in an appropriate state or federal governmental 22757
agency, provided no teacher receives less than the amount required 22758
to be paid pursuant to section 3317.13 of the Revised Code and 22759
provided full credit for a minimum of five years of actual 22760
teaching and military experience as defined in division (A) of 22761
section 3317.13 of the Revised Code is given to each teacher. 22762

22763

On the fifteenth day of October of each year the salary 22764
schedule in effect on that date in each school district and each 22765
educational service center shall be filed with the superintendent 22766
of public instruction. A copy of such schedule shall also annually 22767
be filed by the board of education of each local school district 22768
with the educational service center superintendent, who thereupon 22769
shall certify to the treasurer of such local district the correct 22770
salary to be paid to each teacher in accordance with the adopted 22771
schedule. 22772

Each teacher who has completed training which would qualify 22773
such teacher for a higher salary bracket pursuant to this section 22774
shall file by the fifteenth day of September with the treasurer of 22775
the board of education or educational service center satisfactory 22776
evidence of the completion of such additional training. The 22777

treasurer shall then immediately place the teacher, pursuant to 22778
this section and section 3317.13 of the Revised Code, in the 22779
proper salary bracket in accordance with training and years of 22780
service before certifying such salary, training, and years of 22781
service to the superintendent of public instruction. No teacher 22782
shall be paid less than the salary to which such teacher is 22783
entitled pursuant to section 3317.13 of the Revised Code. 22784

Sec. 3317.16. (A) As used in this section: 22785

(1) "State share percentage" means the percentage calculated 22786
for a joint vocational school district as follows: 22787

(a) Calculate the state base cost funding amount for the 22788
district under division (B) of this section. If the district would 22789
not receive any base cost funding for that year under that 22790
division, the district's state share percentage is zero. 22791

(b) If the district would receive base cost funding under 22792
that division, divide that base cost amount by an amount equal to 22793
the following: 22794

$$\frac{\text{cost of doing business factor X}}{\text{the formula amount X}} \times \text{formula ADM} \quad 22795$$
$$\text{the formula amount X} \quad 22796$$
$$\text{formula ADM} \quad 22797$$

The resultant number is the district's state share 22798
percentage. 22799

(2) The "total special education weight" for a joint 22800
vocational school district shall be calculated in the same manner 22801
as prescribed in division (B)(1) of section 3317.022 of the 22802
Revised Code. 22803

(3) The "total vocational education weight" for a joint 22804
vocational school district shall be calculated in the same manner 22805
as prescribed in division (B)(4) of section 3317.022 of the 22806
Revised Code. 22807

(4) The "total recognized valuation" of a joint vocational school district shall be determined by adding the recognized valuations of all its constituent school districts for the applicable fiscal year.

(5) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(6) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(B) The department of education shall compute and distribute state base cost funding to each joint vocational school district for the fiscal year in accordance with ~~division (B) of this section.~~

~~(1) Compute the following for each eligible district formula:~~
~~(cost of doing business factor X~~
~~formula amount X~~
~~formula ADM) -~~
~~(.0005 X total recognized valuation)~~

If the difference obtained under this division is a negative number, the district's computation shall be zero.

~~(2) Compute both of the following for each district:~~

~~(a) The difference of (i) the district's fiscal year 2005 base cost payment under the version of division (B) of this section in effect in fiscal year 2005, minus (ii) the amount computed for the district for the current fiscal year under current division (B)(1) of this section;~~

~~(b) The following amount:~~

~~{(fiscal year 2005 base cost payment/fiscal year 2005 formula ADM) X current year formula ADM} minus the amount computed for the district under current division (B)(1) of this section~~

~~If one of the amounts computed under division (B)(2)(a) or (b) of this section is a positive amount, the department shall pay the district that amount in addition to the amount calculated under division (B)(1) of this section. If both amounts are positive amounts, the department shall pay the district the lesser of the two amounts in addition to the amount calculated under division (B)(1) of this section.~~

(C)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each joint vocational school district in accordance with the following formula:

$$\frac{\text{state share percentage} \times \text{formula amount} \times \text{total vocational education weight}}{\text{total vocational education weight}}$$

In each fiscal year, a joint vocational school district receiving funds under division (C)(1) of this section shall spend those funds only for the purposes the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the joint vocational school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (C)(1) of this section may be spent.

(2) The department shall compute for each joint vocational school district state funds for vocational education associated services costs in accordance with the following formula:

$$\frac{\text{state share percentage} \times .05 \times \text{the formula amount} \times \text{the sum of categories one and two vocational education ADM}}{\text{the sum of categories one and two vocational education ADM}}$$

In any fiscal year, a joint vocational school district

receiving funds under division (C)(2) of this section, or through 22870
a transfer of funds pursuant to division (L) of section 3317.023 22871
of the Revised Code, shall spend those funds only for the purposes 22872
that the department designates as approved for vocational 22873
education associated services expenses, which may include such 22874
purposes as apprenticeship coordinators, coordinators for other 22875
vocational education services, vocational evaluation, and other 22876
purposes designated by the department. The department may deny 22877
payment under division (C)(2) of this section to any district that 22878
the department determines is not operating those services or is 22879
using funds paid under division (C)(2) of this section, or through 22880
a transfer of funds pursuant to division (L) of section 3317.023 22881
of the Revised Code, for other purposes. 22882

(D)(1) The department shall compute and distribute state 22883
special education and related services additional weighted costs 22884
funds to each joint vocational school district in accordance with 22885
the following formula: 22886

$$\frac{\text{state share percentage} \times \text{formula amount}}{\text{total special education weight}} \quad 22887$$

22888

(2)(a) As used in this division, the "personnel allowance" 22889
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 22890
~~2005, 2006, and 2007~~ 2008 and 2009. 22891

(b) For the provision of speech language pathology services 22892
to students, including students who do not have individualized 22893
education programs prepared for them under Chapter 3323. of the 22894
Revised Code, and for no other purpose, the department shall pay 22895
each joint vocational school district an amount calculated under 22896
the following formula: 22897

$$(\text{formula ADM divided by 2000}) \times \text{the personnel} \quad 22898$$

allowance X state share percentage 22899

(3) In any fiscal year, a joint vocational school district 22900
shall spend for purposes that the department designates as 22901

approved for special education and related services expenses at 22902
least the amount calculated as follows: 22903
~~(cost of doing business factor X~~ formula amount 22904
X the sum of categories one through 22905
six special education ADM) + 22906
(total special education weight X 22907
formula amount) 22908

The purposes approved by the department for special education 22909
expenses shall include, but shall not be limited to, compliance 22910
with state rules governing the education of handicapped children, 22911
providing services identified in a student's individualized 22912
education program as defined in section 3323.01 of the Revised 22913
Code, provision of speech language pathology services, and the 22914
portion of the district's overall administrative and overhead 22915
costs that are attributable to the district's special education 22916
student population. 22917

The department shall require joint vocational school 22918
districts to report data annually to allow for monitoring 22919
compliance with division (D)(3) of this section. The department 22920
shall annually report to the governor and the general assembly the 22921
amount of money spent by each joint vocational school district for 22922
special education and related services. 22923

(4) In any fiscal year, a joint vocational school district 22924
shall spend for the provision of speech language pathology 22925
services not less than the sum of the amount calculated under 22926
division (D)(1) of this section for the students in the district's 22927
category one special education ADM and the amount calculated under 22928
division (D)(2) of this section. 22929

(E)(1) If a joint vocational school district's costs for a 22930
fiscal year for a student in its categories two through six 22931
special education ADM exceed the threshold catastrophic cost for 22932
serving the student, as specified in division (C)(3)(b) of section 22933

3317.022 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.

(2) The district shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants.

(G)(1) A joint vocational school district's local share of special education and related services additional weighted costs equals:

$$\begin{aligned} & (1 - \text{state share percentage}) \times && 22958 \\ & \text{Total special education weight} \times && 22959 \\ & \text{the formula amount} && 22960 \end{aligned}$$

(2) For each handicapped student receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational district, the resident district or, if the student is

enrolled in a community school, the community school shall be 22965
responsible for the amount of any costs of providing those special 22966
education and related services to that student that exceed the sum 22967
of the amount calculated for those services attributable to that 22968
student under divisions (B), (D), (E), and (G)(1) of this section. 22969

Those excess costs shall be calculated by subtracting the sum 22970
of the following from the actual cost to provide special education 22971
and related services to the student: 22972

(a) The ~~product of the~~ formula amount ~~times the~~ 22973
~~cost of doing business factor;~~ 22974

(b) The product of the formula amount times the applicable 22975
multiple specified in section 3317.013 of the Revised Code; 22976

(c) Any funds paid under division (E) of this section for the 22977
student; 22978

(d) Any other funds received by the joint vocational school 22979
district under this chapter to provide special education and 22980
related services to the student, not including the amount 22981
calculated under division (G)(2) of this section. 22982

(3) The board of education of the joint vocational school 22983
district may report the excess costs calculated under division 22984
(G)(2) of this section to the department of education. 22985

(4) If the board of education of the joint vocational school 22986
district reports excess costs under division (G)(3) of this 22987
section, the department shall pay the amount of excess cost 22988
calculated under division (G)(2) of this section to the joint 22989
vocational school district and shall deduct that amount as 22990
provided in division (G)(4)(a) or (b) of this section, as 22991
applicable: 22992

(a) If the student is not enrolled in a community school, the 22993
department shall deduct the amount from the account of the 22994

student's resident district pursuant to division (M) of section 22995
3317.023 of the Revised Code. 22996

(b) If the student is enrolled in a community school, the 22997
department shall deduct the amount from the account of the 22998
community school pursuant to section 3314.083 of the Revised Code. 22999

Sec. 3317.20. This section does not apply to handicapped 23000
preschool children. 23001

(A) As used in this section: 23002

(1) "Applicable weight" means the multiple specified in 23003
section 3317.013 of the Revised Code for a handicap described in 23004
that section. 23005

(2) "Child's school district" means the school district in 23006
which a child is entitled to attend school pursuant to section 23007
3313.64 or 3313.65 of the Revised Code. 23008

(3) "State share percentage" means the state share percentage 23009
of the child's school district as defined in section 3317.022 of 23010
the Revised Code. 23011

(B) Except as provided in division (C) of this section, the 23012
department shall annually pay each county MR/DD board for each 23013
handicapped child, other than a handicapped preschool child, for 23014
whom the county MR/DD board provides special education and related 23015
services ~~the greater of the amount calculated under division~~ 23016
~~(B)(1) or (2) of this section:~~ 23017

~~(1) (The formula amount for fiscal year 2005 X the 23018
cost of doing business factor for the child's school district for 23019
fiscal year 2005) + (state share percentage for fiscal year 2005 X 23020
formula amount for fiscal year 2005 X the applicable weight); 23021~~

~~(2) (The current an amount equal to the formula amount ~~times~~ 23022
~~the current cost of doing business factor for the child's school~~ 23023
~~district) + (state share percentage X current formula amount X the~~ 23024~~

applicable weight). 23025

(C) If any school district places with a county MR/DD board 23026
more handicapped children than it had placed with a county MR/DD 23027
board in fiscal year 1998, the department shall not make a payment 23028
under division (B) of this section for the number of children 23029
exceeding the number placed in fiscal year 1998. The department 23030
instead shall deduct from the district's payments under this 23031
chapter, and pay to the county MR/DD board, an amount calculated 23032
in accordance with the formula prescribed in division (B) of this 23033
section for each child over the number of children placed in 23034
fiscal year 1998. 23035

(D) The department shall calculate for each county MR/DD 23036
board receiving payments under divisions (B) and (C) of this 23037
section the following amounts: 23038

(1) The amount received by the county MR/DD board for 23039
approved special education and related services units, other than 23040
preschool handicapped units, in fiscal year 1998, divided by the 23041
total number of children served in the units that year; 23042

(2) The product of the quotient calculated under division 23043
(D)(1) of this section times the number of children for whom 23044
payments are made under divisions (B) and (C) of this section. 23045

If the amount calculated under division (D)(2) of this 23046
section is greater than the total amount calculated under 23047
divisions (B) and (C) of this section, the department shall pay 23048
the county MR/DD board one hundred per cent of the difference in 23049
addition to the payments under divisions (B) and (C) of this 23050
section. 23051

Sec. 3317.201. This section does not apply to handicapped 23052
preschool children. 23053

(A) As used in this section, the "total special education 23054

weight" for an institution means the sum of the following amounts: 23055

(1) The number of children reported by the institution under 23056
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23057
receiving services for a handicap described in division (A) of 23058
section 3317.013 of the Revised Code multiplied by the multiple 23059
specified in that division; 23060

(2) The number of children reported by the institution under 23061
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23062
receiving services for a handicap described in division (B) of 23063
section 3317.013 of the Revised Code multiplied by the multiple 23064
specified in that division; 23065

(3) The number of children reported by the institution under 23066
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23067
receiving services for a handicap described in division (C) of 23068
section 3317.013 of the Revised Code multiplied by the multiple 23069
specified in that division; 23070

(4) The number of children reported by the institution under 23071
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23072
receiving services for a handicap described in division (D) of 23073
section 3317.013 of the Revised Code multiplied by the multiple 23074
specified in that division; 23075

(5) The number of children reported by the institution under 23076
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23077
receiving services for a handicap described in division (E) of 23078
section 3317.013 of the Revised Code multiplied by the multiple 23079
specified in that division; 23080

(6) The number of children reported by the institution under 23081
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23082
receiving services for a handicap described in division (F) of 23083
section 3317.013 of the Revised Code multiplied by the multiple 23084
specified in that division. 23085

(B) ~~The~~ For each fiscal year, the department of education 23086
~~annually~~ shall pay each state institution required to provide 23087
special education services under division (A) of section 3323.091 23088
of the Revised Code an amount equal to the greater of: 23089

(1) The formula amount times the institution's total special 23090
education weight; 23091

(2) The aggregate amount of special education and related 23092
services unit funding the institution received for all handicapped 23093
children other than handicapped preschool children in fiscal year 23094
2005 under sections 3317.052 and 3317.053 of the Revised Code, as 23095
those sections existed prior to ~~the effective date of this section~~ 23096
June 30, 2005. 23097

Sec. 3318.08. Except in the case of a joint vocational school 23098
district that receives assistance under sections 3318.40 to 23099
3318.45 of the Revised Code, if the requisite favorable vote on 23100
the election is obtained, or if the school district board has 23101
resolved to apply the proceeds of a property tax levy or the 23102
proceeds of an income tax, or a combination of proceeds from such 23103
taxes, as authorized in section 3318.052 of the Revised Code, the 23104
Ohio school facilities commission, upon certification to it of 23105
either the results of the election or the resolution under section 23106
3318.052 of the Revised Code, shall enter into a written agreement 23107
with the school district board for the construction and sale of 23108
the project. In the case of a joint vocational school district 23109
that receives assistance under sections 3318.40 to 3318.45 of the 23110
Revised Code, if the school district board of education and the 23111
school district electors have satisfied the conditions prescribed 23112
in division (D)(1) of section 3318.41 of the Revised Code, the 23113
commission shall enter into an agreement with the school district 23114
board for the construction and sale of the project. In either 23115
case, the agreement shall include, but need not be limited to, the 23116

following provisions: 23117

(A) The sale and issuance of bonds or notes in anticipation 23118
thereof, as soon as practicable after the execution of the 23119
agreement, in an amount equal to the school district's portion of 23120
the basic project cost, including any securities authorized under 23121
division (J) of section 133.06 of the Revised Code and dedicated 23122
by the school district board to payment of the district's portion 23123
of the basic project cost of the project; provided, that if at 23124
that time the county treasurer of each county in which the school 23125
district is located has not commenced the collection of taxes on 23126
the general duplicate of real and public utility property for the 23127
year in which the controlling board approved the project, the 23128
school district board shall authorize the issuance of a first 23129
installment of bond anticipation notes in an amount specified by 23130
the agreement, which amount shall not exceed an amount necessary 23131
to raise the net bonded indebtedness of the school district as of 23132
the date of the controlling board's approval to within five 23133
thousand dollars of the required level of indebtedness for the 23134
preceding year. In the event that a first installment of bond 23135
anticipation notes is issued, the school district board shall, as 23136
soon as practicable after the county treasurer of each county in 23137
which the school district is located has commenced the collection 23138
of taxes on the general duplicate of real and public utility 23139
property for the year in which the controlling board approved the 23140
project, authorize the issuance of a second and final installment 23141
of bond anticipation notes or a first and final issue of bonds. 23142

The combined value of the first and second installment of 23143
bond anticipation notes or the value of the first and final issue 23144
of bonds shall be equal to the school district's portion of the 23145
basic project cost. The proceeds of any such bonds shall be used 23146
first to retire any bond anticipation notes. Otherwise, the 23147
proceeds of such bonds and of any bond anticipation notes, except 23148

the premium and accrued interest thereon, shall be deposited in 23149
the school district's project construction fund. In determining 23150
the amount of net bonded indebtedness for the purpose of fixing 23151
the amount of an issue of either bonds or bond anticipation notes, 23152
gross indebtedness shall be reduced by moneys in the bond 23153
retirement fund only to the extent of the moneys therein on the 23154
first day of the year preceding the year in which the controlling 23155
board approved the project. Should there be a decrease in the tax 23156
valuation of the school district so that the amount of 23157
indebtedness that can be incurred on the tax duplicates for the 23158
year in which the controlling board approved the project is less 23159
than the amount of the first installment of bond anticipation 23160
notes, there shall be paid from the school district's project 23161
construction fund to the school district's bond retirement fund to 23162
be applied against such notes an amount sufficient to cause the 23163
net bonded indebtedness of the school district, as of the first 23164
day of the year following the year in which the controlling board 23165
approved the project, to be within five thousand dollars of the 23166
required level of indebtedness for the year in which the 23167
controlling board approved the project. The maximum amount of 23168
indebtedness to be incurred by any school district board as its 23169
share of the cost of the project is either an amount that will 23170
cause its net bonded indebtedness, as of the first day of the year 23171
following the year in which the controlling board approved the 23172
project, to be within five thousand dollars of the required level 23173
of indebtedness, or an amount equal to the required percentage of 23174
the basic project costs, whichever is greater. All bonds and bond 23175
anticipation notes shall be issued in accordance with Chapter 133. 23176
of the Revised Code, and notes may be renewed as provided in 23177
section 133.22 of the Revised Code. 23178

(B) The transfer of such funds of the school district board 23179
available for the project, together with the proceeds of the sale 23180
of the bonds or notes, except premium, accrued interest, and 23181

interest included in the amount of the issue, to the school	23182
district's project construction fund;	23183
(C) For all school districts except joint vocational school	23184
districts that receive assistance under sections 3318.40 to	23185
3318.45 of the Revised Code, the following provisions as	23186
applicable:	23187
(1) If section 3318.052 of the Revised Code applies, the	23188
earmarking of the proceeds of a tax levied under section 5705.21	23189
of the Revised Code for general permanent improvements or under	23190
section 5705.218 of the Revised Code for the purpose of permanent	23191
improvements, or the proceeds of a school district income tax	23192
levied under Chapter 5748. of the Revised Code, or the proceeds	23193
from a combination of those two taxes, in an amount to pay all or	23194
part of the service charges on bonds issued to pay the school	23195
district portion of the project and an amount equivalent to all or	23196
part of the tax required under division (B) of section 3318.05 of	23197
the Revised Code;	23198
(2) If section 3318.052 of the Revised Code does not apply,	23199
one of the following:	23200
(a) The levy of the tax authorized at the election for the	23201
payment of maintenance costs, as specified in division (B) of	23202
section 3318.05 of the Revised Code;	23203
(b) If the school district electors have approved a	23204
continuing tax for general permanent improvements under section	23205
5705.21 of the Revised Code and that tax can be used for	23206
maintenance, the earmarking of an amount of the proceeds from such	23207
tax for maintenance of classroom facilities as specified in	23208
division (B) of section 3318.05 of the Revised Code;	23209
(c) If, in lieu of the tax otherwise required under division	23210
(B) of section 3318.05 of the Revised Code, the commission has	23211
approved the transfer of money to the maintenance fund in	23212

accordance with section 3318.051 of the Revised Code, a 23213
requirement that the district board comply with the provisions 23214
that section. The district board may rescind the provision 23215
prescribed under division (C)(2)(c) of this section only so long 23216
as the electors of the district have approved, in accordance with 23217
section 3318.063 of the Revised Code, the levy of a tax for the 23218
maintenance of the classroom facilities acquired under the 23219
district's project and that levy continues to be collected as 23220
approved by the electors. 23221

(D) For joint vocational school districts that receive 23222
assistance under sections 3318.40 to 3318.45 of the Revised Code, 23223
provision for deposit of school district moneys dedicated to 23224
maintenance of the classroom facilities acquired under those 23225
sections as prescribed in section 3318.43 of the Revised Code; 23226

(E) Dedication of any local donated contribution as provided 23227
for under section 3318.084 of the Revised Code, including a 23228
schedule for depositing such moneys applied as an offset of the 23229
district's obligation to levy the tax described in division (B) of 23230
section 3318.05 of the Revised Code as required under division 23231
(D)(2) of section 3318.084 of the Revised Code; 23232

(F) Ownership of or interest in the project during the period 23233
of construction, which shall be divided between the commission and 23234
the school district board in proportion to their respective 23235
contributions to the school district's project construction fund; 23236

(G) Maintenance of the state's interest in the project until 23237
any obligations issued for the project under section 3318.26 of 23238
the Revised Code are no longer outstanding; 23239

(H) The insurance of the project by the school district from 23240
the time there is an insurable interest therein and so long as the 23241
state retains any ownership or interest in the project pursuant to 23242
division (F) of this section, in such amounts and against such 23243

risks as the commission shall require; provided, that the cost of 23244
any required insurance until the project is completed shall be a 23245
part of the basic project cost; 23246

(I) The certification by the director of budget and 23247
management that funds are available and have been set aside to 23248
meet the state's share of the basic project cost as approved by 23249
the controlling board pursuant to either section 3318.04 or 23250
division (B)(1) of section 3318.41 of the Revised Code; 23251

(J) Authorization of the school district board to advertise 23252
for and receive construction bids for the project, for and on 23253
behalf of the commission, and to award contracts in the name of 23254
the state subject to approval by the commission; 23255

(K) Provisions for the disbursement of moneys from the school 23256
district's project account upon issuance by the commission or the 23257
commission's designated representative of vouchers for work done 23258
to be certified to the commission by the treasurer of the school 23259
district board; 23260

(L) Disposal of any balance left in the school district's 23261
project construction fund upon completion of the project; 23262

(M) Limitations upon use of the project or any part of it so 23263
long as any obligations issued to finance the project under 23264
section 3318.26 of the Revised Code are outstanding; 23265

(N) Provision for vesting the state's interest in the project 23266
to the school district board when the obligations issued to 23267
finance the project under section 3318.26 of the Revised Code are 23268
outstanding; 23269

(O) Provision for deposit of an executed copy of the 23270
agreement in the office of the commission; 23271

(P) Provision for termination of the contract and release of 23272
the funds encumbered at the time of the conditional approval, if 23273

the proceeds of the sale of the bonds of the school district board 23274
are not paid into the school district's project construction fund 23275
and if bids for the construction of the project have not been 23276
taken within such period after the execution of the agreement as 23277
may be fixed by the commission; 23278

(Q) Provision for the school district to maintain the project 23279
in accordance with a plan approved by the commission; 23280

(R)(1) For all school districts except a district undertaking 23281
a project under section 3318.38 of the Revised Code or a joint 23282
vocational school district undertaking a project under sections 23283
3318.40 to 3318.45 of the Revised Code, provision that all state 23284
funds reserved and encumbered to pay the state share of the cost 23285
of the project pursuant to section 3318.03 of the Revised Code be 23286
spent on the construction or acquisition of the project prior to 23287
the expenditure of any funds provided by the school district to 23288
pay for its share of the project cost, unless the school district 23289
certifies to the commission that expenditure by the school 23290
district is necessary to maintain the tax-exempt status of notes 23291
or bonds issued by the school district to pay for its share of the 23292
project cost or to comply with applicable temporary investment 23293
periods or spending exceptions to rebate as provided for under 23294
federal law in regard to those notes or bonds, in which cases, the 23295
school district may commit to spend, or spend, a portion of the 23296
funds it provides; 23297

(2) For a school district undertaking a project under section 23298
3318.38 of the Revised Code or a joint vocational school district 23299
undertaking a project under sections 3318.40 to 3318.45 of the 23300
Revised Code, provision that the state funds reserved and 23301
encumbered and the funds provided by the school district to pay 23302
the basic project cost of any segment of the project, or of the 23303
entire project if it is not divided into segments, be spent on the 23304
construction and acquisition of the project simultaneously in 23305

proportion to the state's and the school district's respective 23306
shares of that basic project cost as determined under section 23307
3318.032 of the Revised Code or, if the district is a joint 23308
vocational school district, under section 3318.42 of the Revised 23309
Code. 23310

(S) A provision stipulating that the commission may prohibit 23311
the district from proceeding with any project if the commission 23312
determines that the site is not suitable for construction 23313
purposes. The commission may perform soil tests in its 23314
determination of whether a site is appropriate for construction 23315
purposes. 23316

(T) A provision stipulating that, unless otherwise authorized 23317
by the commission, any contingency reserve portion of the 23318
construction budget prescribed by the commission shall be used 23319
only to pay costs resulting from unforeseen job conditions, to 23320
comply with rulings regarding building and other codes, to pay 23321
costs related to design clarifications or corrections to contract 23322
documents, and to pay the costs of settlements or judgments 23323
related to the project as provided under section 3318.086 of the 23324
Revised Code. 23325

~~(U) Provision stipulating that for continued release of 23326
project funds the school district board shall comply with section 23327
3313.41 of the Revised Code throughout the project and shall 23328
notify the department of education and the Ohio community school 23329
association when the board plans to dispose of facilities by sale 23330
under that section. 23331~~

~~(V) Provision that the commission shall not approve a 23332
contract for demolition of a facility until the school district 23333
board has complied with section 3313.41 of the Revised Code 23334
relative to that facility, unless demolition of that facility is 23335
to clear a site for construction of a replacement facility 23336
included in the district's project. 23337~~

Sec. 3318.15. There is hereby created the public school 23338
building fund within the state treasury consisting of any moneys 23339
transferred or appropriated to the fund by the general assembly, 23340
moneys paid into or transferred in accordance with section 3318.47 23341
of the Revised Code, and any grants, gifts, or contributions 23342
received by the Ohio school facilities commission to be used for 23343
the purposes of the fund. All investment earnings of the fund 23344
shall be credited to the fund. 23345

Moneys transferred or appropriated to the fund by the general 23346
assembly and moneys in the fund from grants, gifts, and 23347
contributions shall be used for the purposes of Chapter 3318. of 23348
the Revised Code as prescribed by the general assembly. 23349

Sec. 3318.26. (A) The provisions of this section apply only 23350
to obligations issued by the issuing authority prior to December 23351
1, 1999. 23352

(B) Subject to the limitations provided in section 3318.29 of 23353
the Revised Code, the issuing authority, upon the certification by 23354
the Ohio school facilities commission to the issuing authority of 23355
the amount of moneys or additional moneys needed in the school 23356
building program assistance fund for the purposes of sections 23357
3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the Revised 23358
Code, or needed for capitalized interest, for funding reserves, 23359
and for paying costs and expenses incurred in connection with the 23360
issuance, carrying, securing, paying, redeeming, or retirement of 23361
the obligations or any obligations refunded thereby, including 23362
payment of costs and expenses relating to letters of credit, lines 23363
of credit, insurance, put agreements, standby purchase agreements, 23364
indexing, marketing, remarketing and administrative arrangements, 23365
interest swap or hedging agreements, and any other credit 23366
enhancement, liquidity, remarketing, renewal, or refunding 23367
arrangements, all of which are authorized by this section, shall 23368

issue obligations of the state under this section in the required 23369
amount. The proceeds of such obligations, except for obligations 23370
issued to provide moneys for the school building program 23371
assistance fund shall be deposited by the treasurer of state in 23372
special funds, including reserve funds, as provided in the bond 23373
proceedings. The issuing authority may appoint trustees, paying 23374
agents, and transfer agents and may retain the services of 23375
financial advisors and accounting experts and retain or contract 23376
for the services of marketing, remarketing, indexing, and 23377
administrative agents, other consultants, and independent 23378
contractors, including printing services, as are necessary in the 23379
issuing authority's judgment to carry out this section. The costs 23380
of such services are payable from the school building program 23381
assistance fund or any special fund determined by the issuing 23382
authority. 23383

(C) The holders or owners of such obligations shall have no 23384
right to have moneys raised by taxation obligated or pledged, and 23385
moneys raised by taxation shall not be obligated or pledged, for 23386
the payment of bond service charges. Such holders or owners shall 23387
have no rights to payment of bond service charges from any money 23388
or property received by the commission, treasurer of state, or the 23389
state, or from any other use of the proceeds of the sale of the 23390
obligations, and no such moneys may be used for the payment of 23391
bond service charges, except for accrued interest, capitalized 23392
interest, and reserves funded from proceeds received upon the sale 23393
of the obligations and except as otherwise expressly provided in 23394
the applicable bond proceedings pursuant to written directions by 23395
the treasurer of state. The right of such holders and owners to 23396
payment of bond service charges shall be limited to all or that 23397
portion of the pledged receipts and those special funds pledged 23398
thereto pursuant to the bond proceedings in accordance with this 23399
section, and each such obligation shall bear on its face a 23400
statement to that effect. 23401

(D) Obligations shall be authorized by resolution or order of 23402
the issuing authority and the bond proceedings shall provide for 23403
the purpose thereof and the principal amount or amounts, and shall 23404
provide for or authorize the manner or agency for determining the 23405
principal maturity or maturities, not exceeding the limits 23406
specified in section 3318.29 of the Revised Code, the interest 23407
rate or rates or the maximum interest rate, the date of the 23408
obligations and the dates of payment of interest thereon, their 23409
denomination, and the establishment within or without the state of 23410
a place or places of payment of bond service charges. Sections 23411
9.98 to 9.983 of the Revised Code are applicable to obligations 23412
issued under this section, subject to any applicable limitation 23413
under section 3318.29 of the Revised Code. The purpose of such 23414
obligations may be stated in the bond proceedings in terms 23415
describing the general purpose or purposes to be served. The bond 23416
proceedings shall also provide, subject to the provisions of any 23417
other applicable bond proceedings, for the pledge of all, or such 23418
part as the issuing authority may determine, of the pledged 23419
receipts and the applicable special fund or funds to the payment 23420
of bond service charges, which pledges may be made either prior or 23421
subordinate to other expenses, claims, or payments, and may be 23422
made to secure the obligations on a parity with obligations 23423
theretofore or thereafter issued, if and to the extent provided in 23424
the bond proceedings. The pledged receipts and special funds so 23425
pledged and thereafter received by the state are immediately 23426
subject to the lien of such pledge without any physical delivery 23427
thereof or further act, and the lien of any such pledges is valid 23428
and binding against all parties having claims of any kind against 23429
the state or any governmental agency of the state, irrespective of 23430
whether such parties have notice thereof, and shall create a 23431
perfected security interest for all purposes of Chapter 1309. of 23432
the Revised Code, without the necessity for separation or delivery 23433
of funds or for the filing or recording of the bond proceedings by 23434

which such pledge is created or any certificate, statement or 23435
other document with respect thereto; and the pledge of such 23436
pledged receipts and special funds is effective and the money 23437
therefrom and thereof may be applied to the purposes for which 23438
pledged without necessity for any act of appropriation, except as 23439
required by section 3770.06 of the Revised Code. Every pledge, and 23440
every covenant and agreement made with respect thereto, made in 23441
the bond proceedings may therein be extended to the benefit of the 23442
owners and holders of obligations authorized by this section, and 23443
to any trustee therefor, for the further security of the payment 23444
of the bond service charges. 23445

(E) The bond proceedings may contain additional provisions as 23446
to: 23447

(1) The redemption of obligations prior to maturity at the 23448
option of the issuing authority at such price or prices and under 23449
such terms and conditions as are provided in the bond proceedings; 23450

(2) Other terms of the obligations; 23451

(3) Limitations on the issuance of additional obligations; 23452

(4) The terms of any trust agreement or indenture securing 23453
the obligations or under which the same may be issued; 23454

(5) The deposit, investment and application of special funds, 23455
and the safeguarding of moneys on hand or on deposit, without 23456
regard to Chapter 131., 133., or 135. of the Revised Code, but 23457
subject to any special provisions of sections 3318.21 to 3318.29 23458
of the Revised Code, with respect to particular funds or moneys, 23459
provided that any bank or trust company that acts as depository of 23460
any moneys in the special funds may furnish such indemnifying 23461
bonds or may pledge such securities as required by the issuing 23462
authority; 23463

(6) Any or every provision of the bond proceedings being 23464
binding upon such officer, board, commission, authority, agency, 23465

department, or other person or body as may from time to time have 23466
the authority under law to take such actions as may be necessary 23467
to perform all or any part of the duty required by such provision; 23468

(7) Any provision that may be made in a trust agreement or 23469
indenture; 23470

(8) The lease or sublease of any interest of the school 23471
district or the state in one or more projects as defined in 23472
division (C) of section 3318.01 of the Revised Code, or in one or 23473
more permanent improvements, to or from the issuing authority, as 23474
provided in one or more lease or sublease agreements between the 23475
school or the state and the issuing authority; 23476

(9) Any other or additional agreements with the holders of 23477
the obligations, or the trustee therefor, relating to the 23478
obligations or the security therefor. 23479

(F) The obligations may have the great seal of the state or a 23480
facsimile thereof affixed thereto or printed thereon. The 23481
obligations and any coupons pertaining to obligations shall be 23482
signed or bear the facsimile signature of the issuing authority. 23483
Any obligations or coupons may be executed by the person who, on 23484
the date of execution, is the proper issuing authority although on 23485
the date of such bonds or coupons such person was not the issuing 23486
authority. In case the issuing authority whose signature or a 23487
facsimile of whose signature appears on any such obligation or 23488
coupon ceases to be the issuing authority before delivery thereof, 23489
such signature or facsimile is nevertheless valid and sufficient 23490
for all purposes as if the issuing authority had remained the 23491
issuing authority until such delivery; and in case the seal to be 23492
affixed to obligations has been changed after a facsimile of the 23493
seal has been imprinted on such obligations, such facsimile seal 23494
shall continue to be sufficient as to such obligations and 23495
obligations issued in substitution or exchange therefor. 23496

(G) All obligations are negotiable instruments and securities 23497
under Chapter 1308. of the Revised Code, subject to the provisions 23498
of the bond proceedings as to registration. The obligations may be 23499
issued in coupon or in registered form, or both, as the issuing 23500
authority determines. Provision may be made for the registration 23501
of any obligations with coupons attached thereto as to principal 23502
alone or as to both principal and interest, their exchange for 23503
obligations so registered, and for the conversion or reconversion 23504
into obligations with coupons attached thereto of any obligations 23505
registered as to both principal and interest, and for reasonable 23506
charges for such registration, exchange, conversion, and 23507
reconversion. 23508

(H) Obligations may be sold at public sale or at private 23509
sale, as determined in the bond proceedings. 23510

(I) Pending preparation of definitive obligations, the 23511
issuing authority may issue interim receipts or certificates which 23512
shall be exchanged for such definitive obligations. 23513

(J) In the discretion of the issuing authority, obligations 23514
may be secured additionally by a trust agreement or indenture 23515
between the issuing authority and a corporate trustee which may be 23516
any trust company or bank having ~~its principal~~ a place of business 23517
within the state. Any such agreement or indenture may contain the 23518
resolution or order authorizing the issuance of the obligations, 23519
any provisions that may be contained in any bond proceedings, and 23520
other provisions that are customary or appropriate in an agreement 23521
or indenture of such type, including, but not limited to: 23522

(1) Maintenance of each pledge, trust agreement, indenture, 23523
or other instrument comprising part of the bond proceedings until 23524
the state has fully paid the bond service charges on the 23525
obligations secured thereby, or provision therefor has been made; 23526

(2) In the event of default in any payments required to be 23527

made by the bond proceedings, or any other agreement of the 23528
issuing authority made as a part of the contract under which the 23529
obligations were issued, enforcement of such payments or agreement 23530
by mandamus, the appointment of a receiver, suit in equity, action 23531
at law, or any combination of the foregoing; 23532

(3) The rights and remedies of the holders of obligations and 23533
of the trustee, and provisions for protecting and enforcing them, 23534
including limitations on rights of individual holders of 23535
obligations; 23536

(4) The replacement of any obligations that become mutilated 23537
or are destroyed, lost, or stolen; 23538

(5) Such other provisions as the trustee and the issuing 23539
authority agree upon, including limitations, conditions, or 23540
qualifications relating to any of the foregoing. 23541

(K) Any holder of obligations or a trustee under the bond 23542
proceedings, except to the extent that the holder's or trustee's 23543
rights are restricted by the bond proceedings, may by any suitable 23544
form of legal proceedings, protect and enforce any rights under 23545
the laws of this state or granted by such bond proceedings. Such 23546
rights include the right to compel the performance of all duties 23547
of the issuing authority, the commission, or the director of 23548
budget and management required by sections 3318.21 to 3318.29 of 23549
the Revised Code or the bond proceedings; to enjoin unlawful 23550
activities; and in the event of default with respect to the 23551
payment of any bond service charges on any obligations or in the 23552
performance of any covenant or agreement on the part of the 23553
issuing authority, the commission, or the director of budget and 23554
management in the bond proceedings, to apply to a court having 23555
jurisdiction of the cause to appoint a receiver to receive and 23556
administer the pledged receipts and special funds, other than 23557
those in the custody of the treasurer of state or the commission, 23558
which are pledged to the payment of the bond service charges on 23559

such obligations or which are the subject of the covenant or 23560
agreement, with full power to pay, and to provide for payment of 23561
bond service charges on, such obligations, and with such powers, 23562
subject to the direction of the court, as are accorded receivers 23563
in general equity cases, excluding any power to pledge additional 23564
revenues or receipts or other income or moneys of the issuing 23565
authority or the state or governmental agencies of the state to 23566
the payment of such principal and interest and excluding the power 23567
to take possession of, mortgage, or cause the sale or otherwise 23568
dispose of any permanent improvement. 23569

Each duty of the issuing authority and the issuing 23570
authority's officers and employees, and of each governmental 23571
agency and its officers, members, or employees, undertaken 23572
pursuant to the bond proceedings or any agreement or loan made 23573
under authority of sections 3318.21 to 3318.29 of the Revised 23574
Code, and in every agreement by or with the issuing authority, is 23575
hereby established as a duty of the issuing authority, and of each 23576
such officer, member, or employee having authority to perform such 23577
duty, specifically enjoined by the law resulting from an office, 23578
trust, or station within the meaning of section 2731.01 of the 23579
Revised Code. 23580

The person who is at the time the issuing authority, or the 23581
issuing authority's officers or employees, are not liable in their 23582
personal capacities on any obligations issued by the issuing 23583
authority or any agreements of or with the issuing authority. 23584

(L) Obligations issued under this section are lawful 23585
investments for banks, societies for savings, savings and loan 23586
associations, deposit guarantee associations, trust companies, 23587
trustees, fiduciaries, insurance companies, including domestic for 23588
life and domestic not for life, trustees or other officers having 23589
charge of sinking and bond retirement or other special funds of 23590
political subdivisions and taxing districts of this state, the 23591

commissioners of the sinking fund of the state, the administrator 23592
of workers' compensation, the state teachers retirement system, 23593
the public employees retirement system, the school employees 23594
retirement system, and the Ohio police and fire pension fund, 23595
notwithstanding any other provisions of the Revised Code or rules 23596
adopted pursuant thereto by any governmental agency of the state 23597
with respect to investments by them, and also are acceptable as 23598
security for the deposit of public moneys. 23599

(M) Unless otherwise provided in any applicable bond 23600
proceedings, moneys to the credit of or in the special funds 23601
established by or pursuant to this section may be invested by or 23602
on behalf of the issuing authority only in notes, bonds, or other 23603
obligations of the United States, or of any agency or 23604
instrumentality of the United States, obligations guaranteed as to 23605
principal and interest by the United States, obligations of this 23606
state or any political subdivision of this state, and certificates 23607
of deposit of any national bank located in this state and any 23608
bank, as defined in section 1101.01 of the Revised Code, subject 23609
to inspection by the superintendent of financial institutions. If 23610
the law or the instrument creating a trust pursuant to division 23611
(J) of this section expressly permits investment in direct 23612
obligations of the United States or an agency of the United 23613
States, unless expressly prohibited by the instrument, such moneys 23614
also may be invested in no front end load money market mutual 23615
funds consisting exclusively of obligations of the United States 23616
or an agency of the United States and in repurchase agreements, 23617
including those issued by the fiduciary itself, secured by 23618
obligations of the United States or an agency of the United 23619
States; and in collective investment funds established in 23620
accordance with section 1111.14 of the Revised Code and consisting 23621
exclusively of any such securities, notwithstanding division 23622
(B)(1)(c) of that section. The income from such investments shall 23623
be credited to such funds as the issuing authority determines, and 23624

such investments may be sold at such times as the issuing authority determines or authorizes. 23625
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(N) 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. 23627
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(O) 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 shall be controlling notwithstanding any other provisions of law pertaining thereto. 23638
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(P) The issuing authority may covenant in the bond proceedings, and any such covenants shall be controlling notwithstanding any other provision of law, that the state and applicable officers and governmental agencies of the state, including the general assembly, so long as any obligations are outstanding, shall: 23646
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(1) Maintain statutory authority for and cause to be operated the state lottery, including the transfers to and from the lottery profits education fund created in section 3770.06 of the Revised Code so that the pledged receipts shall be sufficient in amount to meet bond service charges, and the establishment and maintenance 23652
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of any reserves and other requirements provided for in the bond 23657
proceedings; 23658

(2) Take or permit no action, by statute or otherwise, that 23659
would impair the exclusion from gross income for federal income 23660
tax purposes of the interest on any obligations designated by the 23661
bond proceeding as tax-exempt obligations. 23662

(Q) There is hereby created the school building program bond 23663
service fund, which shall be in the custody of the treasurer of 23664
state but shall be separate and apart from and not a part of the 23665
state treasury. All moneys received by or on account of the 23666
issuing authority or state agencies and required by the applicable 23667
bond proceedings, consistent with this section, to be deposited, 23668
transferred, or credited to the school building program bond 23669
service fund, and all other moneys transferred or allocated to or 23670
received for the purposes of the fund, shall be deposited and 23671
credited to such fund and to any separate accounts therein, 23672
subject to applicable provisions of the bond proceedings, but 23673
without necessity for any act of appropriation, except as required 23674
by section 3770.06 of the Revised Code. During the period 23675
beginning with the date of the first issuance of obligations and 23676
continuing during such time as any such obligations are 23677
outstanding, and so long as moneys in the school building program 23678
bond service fund are insufficient to pay all bond service charges 23679
on such obligations becoming due in each year, a sufficient amount 23680
of the moneys from the lottery profits education fund included in 23681
pledged receipts, subject to appropriation for such purpose as 23682
provided in section 3770.06 of the Revised Code, are committed and 23683
shall be paid to the school building program bond service fund in 23684
each year for the purpose of paying the bond service charges 23685
becoming due in that year. The school building program bond 23686
service fund is a trust fund and is hereby pledged to the payment 23687
of bond service charges solely on obligations issued to provide 23688

moneys for the school building program assistance fund to the 23689
extent provided in the applicable bond proceedings, and payment 23690
thereof from such fund shall be made or provided for by the 23691
treasurer of state in accordance with such bond proceedings 23692
without necessity for any act of appropriation except as required 23693
by section 3770.06 of the Revised Code. 23694

(R) The obligations, the transfer thereof, and the income 23695
therefrom, including any profit made on the sale thereof, at all 23696
times shall be free from taxation within the state. 23697

Sec. 3318.47. (A) On the effective date of this section, the 23698
director of budget and management shall transfer any amount on 23699
hand in the fund established under former section 3318.47 of the 23700
Revised Code, as that section existed prior to the effective date 23701
of this section, into the fund established under section 3318.15 23702
of the Revised Code. 23703

(B) On or after the effective date of this section, any 23704
amounts received from school districts in repayment of loans made 23705
under former sections 3318.47 to 3318.49, as those sections 23706
existed prior to the effective date of this section, shall be 23707
deposited into the fund established under section 3318.15 of the 23708
Revised Code. 23709

Sec. 3319.081. Except as otherwise provided in division (G) 23710
of this section, in all school districts wherein the provisions of 23711
Chapter 124. of the Revised Code do not apply, the following 23712
employment contract system shall control for employees whose 23713
contracts of employment are not otherwise provided by law: 23714

(A) Newly hired regular nonteaching school employees, 23715
including regular hourly rate and per diem employees, shall enter 23716
into written contracts for their employment which shall be for a 23717
period of not more than one year. If such employees are rehired, 23718

their subsequent contract shall be for a period of two years. 23719

(B) After the termination of the two-year contract provided 23720
in division (A) of this section, if the contract of a nonteaching 23721
employee is renewed, the employee shall be continued in 23722
employment, and the salary provided in the contract may be 23723
increased but not reduced unless such reduction is a part of a 23724
uniform plan affecting the nonteaching employees of the entire 23725
district. 23726

(C) The contracts as provided for in this section may be 23727
terminated by a majority vote of the board of education. Except as 23728
provided in ~~sections 3319.0810 and section~~ section 3319.172 of the Revised 23729
Code, the contracts may be terminated only for violation of 23730
written rules and regulations as set forth by the board of 23731
education or for incompetency, inefficiency, dishonesty, 23732
drunkenness, immoral conduct, insubordination, discourteous 23733
treatment of the public, neglect of duty, or any other acts of 23734
misfeasance, malfeasance, or nonfeasance. In addition to the right 23735
of the board of education to terminate the contract of an 23736
employee, the board may suspend an employee for a definite period 23737
of time or demote the employee for the reasons set forth in this 23738
division. The action of the board of education terminating the 23739
contract of an employee or suspending or demoting the employee 23740
shall be served upon the employee by certified mail. Within ten 23741
days following the receipt of such notice by the employee, the 23742
employee may file an appeal, in writing, with the court of common 23743
pleas of the county in which such school board is situated. After 23744
hearing the appeal the common pleas court may affirm, disaffirm, 23745
or modify the action of the school board. 23746

A violation of division (A)(7) of section 2907.03 of the 23747
Revised Code is grounds for termination of employment of a 23748
nonteaching employee under this division. 23749

(D) All employees who have been employed by a school district 23750

where the provisions of Chapter 124. of the Revised Code do not 23751
apply, for a period of at least three years on November 24, 1967, 23752
shall hold continuing contracts of employment pursuant to this 23753
section. 23754

(E) Any nonteaching school employee may terminate the 23755
nonteaching school employee's contract of employment thirty days 23756
subsequent to the filing of a written notice of such termination 23757
with the treasurer of the board. 23758

(F) A person hired exclusively for the purpose of replacing a 23759
nonteaching school employee while such employee is on leave of 23760
absence granted under section 3319.13 of the Revised Code is not a 23761
regular nonteaching school employee under this section. 23762

(G) All nonteaching employees employed pursuant to this 23763
section and Chapter 124. of the Revised Code shall be paid for all 23764
time lost when the schools in which they are employed are closed 23765
owing to an epidemic or other public calamity. Nothing in this 23766
division shall be construed as requiring payment in excess of an 23767
employee's regular wage rate or salary for any time worked while 23768
the school in which the employee is employed is officially closed 23769
for the reasons set forth in this division. 23770

Sec. 3319.089. The board of education of any city, local, or 23771
exempted village school district may adopt a resolution approving 23772
a contract with a county department of job and family services 23773
under section ~~5107.541~~ 5107.47 of the Revised Code to provide for 23774
a participant ~~of the~~ in a work experience program participation 23775
activity who has a child enrolled in a public school in that 23776
district to fulfill the work requirements of the work ~~experience~~ 23777
~~program~~ participation activity by volunteering or working in that 23778
public school in accordance with section ~~5107.541~~ 5107.47 of the 23779
Revised Code. Such recipients are not employees of such board of 23780
education. 23781

Before a school district places a participant in a public school under this section, the appointing officer or hiring officer of the board of education of a school district shall request a criminal records check of the participant to be conducted in the same manner as required for a person responsible for the care, custody, or control of a child in accordance with section 3319.39 of the Revised Code, The records check shall be conducted even though the participant, if subsequently hired, would not be considered an employee of the school district for purposes of working at the school. A participant shall not be placed in a school if the participant previously has been convicted of or pleaded guilty to any of the offenses listed in division (B)(1)(a) or (b) of section 3319.39 of the Revised Code.

Sec. 3319.17. (A) As used in this section, "interdistrict contract" means any contract or agreement entered into by an educational service center governing board and another board or other public entity pursuant to section 3313.17, 3313.841, 3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the Revised Code, including any such contract or agreement for the provision of services funded under division (I) of section 3317.024 of the Revised Code or provided in any unit approved under section 3317.05 of the Revised Code.

(B) When, for any of the following reasons that apply to any city, exempted village, local, or joint vocational school district or any educational service center, the board decides that it will be necessary to reduce the number of teachers it employs, it may make a reasonable reduction:

(1) In the case of any district or service center, return to duty of regular teachers after leaves of absence including leaves provided pursuant to division (B) of section 3314.10 of the Revised Code, suspension of schools, or territorial changes

affecting the district or center, ~~or financial reasons;~~ 23813

(2) In the case of any city, exempted village, local, or 23814
joint vocational school district, decreased enrollment of pupils 23815
in the district; 23816

(3) In the case of any governing board of a service center 23817
providing any particular service directly to pupils pursuant to 23818
one or more interdistrict contracts requiring such service, 23819
reduction in the total number of pupils the governing board is 23820
required to provide with the service under all interdistrict 23821
contracts as a result of the termination or nonrenewal of one or 23822
more of these interdistrict contracts; 23823

(4) In the case of any governing board providing any 23824
particular service that it does not provide directly to pupils 23825
pursuant to one or more interdistrict contracts requiring such 23826
service, reduction in the total level of the service the governing 23827
board is required to provide under all interdistrict contracts as 23828
a result of the termination or nonrenewal of one or more of these 23829
interdistrict contracts. 23830

(C) In making any such reduction, any city, exempted village, 23831
local, or joint vocational school board shall proceed to suspend 23832
contracts in accordance with the recommendation of the 23833
superintendent of schools who shall, within each teaching field 23834
affected, give preference first to teachers on continuing 23835
contracts and then to teachers who have greater seniority. In 23836
making any such reduction, any governing board of a service center 23837
shall proceed to suspend contracts in accordance with the 23838
recommendation of the superintendent who shall, within each 23839
teaching field or service area affected, give preference first to 23840
teachers on continuing contracts and then to teachers who have 23841
greater seniority. 23842

On a case-by-case basis, in lieu of suspending a contract in 23843

whole, a board may suspend a contract in part, so that an 23844
individual is required to work a percentage of the time the 23845
employee otherwise is required to work under the contract and 23846
receives a commensurate percentage of the full compensation the 23847
employee otherwise would receive under the contract. 23848

The teachers whose continuing contracts are suspended by any 23849
board pursuant to this section shall have the right of restoration 23850
to continuing service status by that board in the order of 23851
seniority of service in the district or service center if and when 23852
teaching positions become vacant or are created for which any of 23853
such teachers are or become qualified. No teacher whose continuing 23854
contract has been suspended pursuant to this section shall lose 23855
that right of restoration to continuing service status by reason 23856
of having declined recall to a position that is less than 23857
full-time or, if the teacher was not employed full-time just prior 23858
to suspension of the teacher's continuing contract, to a position 23859
requiring a lesser percentage of full-time employment than the 23860
position the teacher last held while employed in the district or 23861
service center. 23862

(D) Notwithstanding any provision to the contrary in Chapter 23863
4117. of the Revised Code, the requirements of this section 23864
prevail over any conflicting provisions of agreements between 23865
employee organizations and public employers entered into after 23866
September 29, 2005. 23867

Sec. 3319.55. (A) A grant program is hereby established to 23868
recognize and reward teachers in public and chartered nonpublic 23869
schools who hold valid teaching certificates or licenses issued by 23870
the national board for professional teaching standards. The 23871
superintendent of public instruction shall administer this program 23872
in accordance with this section and rules which the state board of 23873
education shall adopt in accordance with Chapter 119. of the 23874

Revised Code. 23875

In each fiscal year that the general assembly appropriates 23876
funds for purposes of this section, the superintendent of public 23877
instruction shall award a grant to each person who, by the first 23878
day of April of that year and in accordance with the rules adopted 23879
under this section, submits to the superintendent evidence 23880
indicating ~~all~~ both of the following: 23881

(1) The person holds a valid certificate or license issued by 23882
the national board for professional teaching standards; 23883

(2) The person has been employed full-time as a teacher by 23884
the board of education of a school district or by a chartered 23885
nonpublic school in this state during the current school year; 23886

~~(3) The date the person was accepted into the national board 23887
certification or licensure program. 23888~~

An individual may receive a grant under this section in each 23889
fiscal year the person is eligible for a grant and submits 23890
evidence of that eligibility in accordance with this section. No 23891
person may receive a grant after the expiration of the person's 23892
initial certification or license issued by the national board. 23893

(B) The amount of the grant awarded to each eligible person 23894
under division (A) of this section in any fiscal year shall equal 23895
~~the following:~~ 23896

~~(1) Two two thousand five hundred dollars for any teacher 23897
accepted as a candidate for certification or licensure by the 23898
national board on or before May 31, 2003, and issued a certificate 23899
or license by the national board on or before December 31, 2004;~~ 23900

~~(2) One thousand dollars for any other teacher issued a 23901
certificate or license by the national board. 23902~~

~~However.~~ However, if the funds appropriated for purposes of 23903
this section in any fiscal year are not sufficient to award the 23904

full grant amount to each person who is eligible in that fiscal 23905
year, the superintendent shall prorate the amount of the grant 23906
awarded in that fiscal year to each eligible person. 23907

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 23908
"guardian," or "other person having charge or care of a child" 23909
means either parent unless the parents are separated or divorced 23910
or their marriage has been dissolved or annulled, in which case 23911
"parent" means the parent who is the residential parent and legal 23912
custodian of the child. If the child is in the legal or permanent 23913
custody of a person or government agency, "parent" means that 23914
person or government agency. When a child is a resident of a home, 23915
as defined in section 3313.64 of the Revised Code, and the child's 23916
parent is not a resident of this state, "parent," "guardian," or 23917
"other person having charge or care of a child" means the head of 23918
the home. 23919

A child between six and eighteen years of age is "of 23920
compulsory school age" for the purpose of sections 3321.01 to 23921
3321.13 of the Revised Code. A child under six years of age who 23922
has been enrolled in kindergarten also shall be considered "of 23923
compulsory school age" for the purpose of sections 3321.01 to 23924
3321.13 of the Revised Code unless at any time the child's parent 23925
or guardian, at the parent's or guardian's discretion and in 23926
consultation with the child's teacher and principal, formally 23927
withdraws the child from kindergarten. The compulsory school age 23928
of a child shall not commence until the beginning of the term of 23929
such schools, or other time in the school year fixed by the rules 23930
of the board of the district in which the child resides. 23931

(2) No child shall be admitted to a kindergarten or a first 23932
grade of a public school in a district in which all children are 23933
admitted to kindergarten and the first grade in August or 23934
September unless the child is five or six years of age, 23935

respectively, by the thirtieth day of September of the year of 23936
admittance, or by the first day of a term or semester other than 23937
one beginning in August or September in school districts granting 23938
admittance at the beginning of such term or semester, except that 23939
in those school districts using or obtaining educationally 23940
accepted standardized testing programs for determining entrance, 23941
as approved by the board of education of such districts, the board 23942
shall admit a child to kindergarten or the first grade who fails 23943
to meet the age requirement, provided the child meets necessary 23944
standards as determined by such standardized testing programs. If 23945
the board of education has not established a standardized testing 23946
program, the board shall designate the necessary standards and a 23947
testing program it will accept for the purpose of admitting a 23948
child to kindergarten or first grade who fails to meet the age 23949
requirement. Each child who will be the proper age for entrance to 23950
kindergarten or first grade by the first day of January of the 23951
school year for which admission is requested shall be so tested 23952
upon the request of the child's parent. 23953

~~(3) Notwithstanding divisions (A)(2) and (D) of this section,~~ 23954
~~beginning with the school year that starts in 2001 and continuing~~ 23955
~~thereafter the board of education of any district may adopt a~~ 23956
~~resolution establishing the first day of August in lieu of the~~ 23957
~~thirtieth day of September as the required date by which students~~ 23958
~~must have attained the age specified in those divisions.~~ 23959

(B) As used in divisions (C) and (D) of this section, 23960
"successfully completed kindergarten" and "successful completion 23961
of kindergarten" mean that the child has completed the 23962
kindergarten requirements at one of the following: 23963

(1) A public or chartered nonpublic school; 23964

(2) A kindergarten class that is both of the following: 23965

(a) Offered by a day-care provider licensed under Chapter 23966

5104. of the Revised Code;	23967
(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:	23968
(i) A valid educator license issued under section 3319.22 of the Revised Code;	23969
(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	23970
(iii) Certification determined under division (G) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	23971
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	23972
(C) Except as provided in division (D) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	23973
(D) Upon request of a parent, the requirement of division (C) of this section may be waived by the district's pupil personnel services committee in the case of a child who is at least six years of age by the thirtieth day of September of the year of admittance and who demonstrates to the satisfaction of the committee the possession of the social, emotional, and cognitive skills necessary for first grade.	23974
The board of education of each city, local, and exempted village school district shall establish a pupil personnel services committee. The committee shall be composed of all of the following to the extent such personnel are either employed by the district or employed by the governing board of the educational service center within whose territory the district is located and the educational service center generally furnishes the services of	23975
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such personnel to the district:	23997
(1) The director of pupil personnel services;	23998
(2) An elementary school counselor;	23999
(3) An elementary school principal;	24000
(4) A school psychologist;	24001
(5) A teacher assigned to teach first grade;	24002
(6) A gifted coordinator.	24003
The responsibilities of the pupil personnel services	24004
committee shall be limited to the issuing of waivers allowing	24005
admittance to the first grade without the successful completion of	24006
kindergarten. The committee shall have no other authority except	24007
as specified in this section.	24008
(E) The scheduling of times for kindergarten classes and	24009
length of the school day for kindergarten shall be determined by	24010
the board of education of a city, exempted village, or local	24011
school district.	24012
(F) Any kindergarten class offered by a day-care provider or	24013
school described by division (B)(1) or (B)(2)(a) of this section	24014
shall be developmentally appropriate.	24015
(G) Upon written request of a day-care provider described by	24016
division (B)(2)(a) of this section, the department of education	24017
shall determine whether certification held by a teacher employed	24018
by the provider meets the requirement of division (B)(2)(b)(iii)	24019
of this section and, if so, shall furnish the provider a statement	24020
to that effect.	24021
Sec. 3323.11. Teachers in education programs under this	24022
chapter shall possess the usual qualifications required of special	24023
education teachers <u>intervention specialists</u> in the public schools.	24024

Sec. 3333.04. The Ohio board of regents shall: 24025

(A) Make studies of state policy in the field of higher 24026
education and formulate a master plan for higher education for the 24027
state, considering the needs of the people, the needs of the 24028
state, and the role of individual public and private institutions 24029
within the state in fulfilling these needs; 24030

(B)(1) Report annually to the governor and the general 24031
assembly on the findings from its studies and the master plan for 24032
higher education for the state; 24033

(2) Report at least semiannually to the general assembly and 24034
the governor the enrollment numbers at each state-assisted 24035
institution of higher education. 24036

(C) Approve or disapprove the establishment of new branches 24037
or academic centers of state colleges and universities; 24038

(D) Approve or disapprove the establishment of state 24039
technical colleges or any other state institution of higher 24040
education; 24041

(E) Recommend the nature of the programs, undergraduate, 24042
graduate, professional, state-financed research, and public 24043
services which should be offered by the state colleges, 24044
universities, and other state-assisted institutions of higher 24045
education in order to utilize to the best advantage their 24046
facilities and personnel; 24047

(F) Recommend to the state colleges, universities, and other 24048
state-assisted institutions of higher education graduate or 24049
professional programs, including, but not limited to, doctor of 24050
philosophy, doctor of education, and juris doctor programs, that 24051
could be eliminated because they constitute unnecessary 24052
duplication, as shall be determined using the process developed 24053
pursuant to this section, or for other good and sufficient cause. 24054

For purposes of determining the amounts of any state instructional 24055
subsidies paid to these colleges, universities, and institutions, 24056
the board may exclude students enrolled in any program that the 24057
board has recommended for elimination pursuant to this division 24058
except that the board shall not exclude any such student who 24059
enrolled in the program prior to the date on which the board 24060
initially commences to exclude students under this division. The 24061
board of regents and these colleges, universities, and 24062
institutions shall jointly develop a process for determining which 24063
existing graduate or professional programs constitute unnecessary 24064
duplication. 24065

(G) Recommend to the state colleges, universities, and other 24066
state-assisted institutions of higher education programs which 24067
should be added to their present programs; 24068

(H) Conduct studies for the state colleges, universities, and 24069
other state-assisted institutions of higher education to assist 24070
them in making the best and most efficient use of their existing 24071
facilities and personnel; 24072

(I) Make recommendations to the governor and general assembly 24073
concerning the development of state-financed capital plans for 24074
higher education; the establishment of new state colleges, 24075
universities, and other state-assisted institutions of higher 24076
education; and the establishment of new programs at the existing 24077
state colleges, universities, and other institutions of higher 24078
education; 24079

(J) Review the appropriation requests of the public community 24080
colleges and the state colleges and universities and submit to the 24081
office of budget and management and to the chairpersons of the 24082
finance committees of the house of representatives and of the 24083
senate its recommendations in regard to the biennial higher 24084
education appropriation for the state, including appropriations 24085
for the individual state colleges and universities and public 24086

community colleges. For the purpose of determining the amounts of 24087
instructional subsidies to be paid to state-assisted colleges and 24088
universities, the board shall define "full-time equivalent 24089
student" by program per academic year. The definition may take 24090
into account the establishment of minimum enrollment levels in 24091
technical education programs below which support allowances will 24092
not be paid. Except as otherwise provided in this section, the 24093
board shall make no change in the definition of "full-time 24094
equivalent student" in effect on November 15, 1981, which would 24095
increase or decrease the number of subsidy-eligible full-time 24096
equivalent students, without first submitting a fiscal impact 24097
statement to the president of the senate, the speaker of the house 24098
of representatives, the legislative service commission, and the 24099
director of budget and management. The board shall work in close 24100
cooperation with the director of budget and management in this 24101
respect and in all other matters concerning the expenditures of 24102
appropriated funds by state colleges, universities, and other 24103
institutions of higher education. 24104

(K) Seek the cooperation and advice of the officers and 24105
trustees of both public and private colleges, universities, and 24106
other institutions of higher education in the state in performing 24107
its duties and making its plans, studies, and recommendations; 24108

(L) Appoint advisory committees consisting of persons 24109
associated with public or private secondary schools, members of 24110
the state board of education, or personnel of the state department 24111
of education; 24112

(M) Appoint advisory committees consisting of college and 24113
university personnel, or other persons knowledgeable in the field 24114
of higher education, or both, in order to obtain their advice and 24115
assistance in defining and suggesting solutions for the problems 24116
and needs of higher education in this state; 24117

(N) Approve or disapprove all new degrees and new degree 24118

programs at all state colleges, universities, and other	24119
state-assisted institutions of higher education;	24120
(O) Adopt such rules as are necessary to carry out its duties	24121
and responsibilities;	24122
(P) Establish and submit to the governor and the general	24123
assembly a clear and measurable set of goals and timetables for	24124
their achievement for each program under the supervision of the	24125
board that is designed to accomplish any of the following:	24126
(1) Increased access to higher education;	24127
(2) Job training;	24128
(3) Adult literacy;	24129
(4) Research;	24130
(5) Excellence in higher education;	24131
(6) Reduction in the number of graduate programs within the	24132
same subject area.	24133
In July of each odd-numbered year, the board of regents shall	24134
submit to the governor and the general assembly a report on	24135
progress made toward these goals.	24136
(Q) Make recommendations to the governor and the general	24137
assembly regarding the design and funding of the student financial	24138
aid programs specified in sections 3333.12, 3333.122, 3333.21 to	24139
3333.27, and 5910.02 of the Revised Code;	24140
(R) Participate in education-related state or federal	24141
programs on behalf of the state and assume responsibility for the	24142
administration of such programs in accordance with applicable	24143
state or federal law;	24144
(S) Adopt rules for student financial aid programs as	24145
required by sections 3333.12, 3333.122, 3333.21 to 3333.27,	24146
3333.28, 3333.29 , and 5910.02 of the Revised Code, and perform any	24147

other administrative functions assigned to the board by those sections; 24148
24149

(T) Administer contracts under sections 3702.74 and 3702.75 of the Revised Code in accordance with rules adopted by the director of health under section 3702.79 of the Revised Code; 24150
24151
24152

(U) Conduct enrollment audits of state-supported institutions of higher education; 24153
24154

(V) Appoint consortiums of college and university personnel to participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the board shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated to the board for consortiums shall be distributed to the fiscal agents for the operation of the consortiums. A consortium shall follow the rules of the college or university that serves as its fiscal agent. 24155
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Sec. 3333.122. (A) As used in this section: 24166

(1) "Eligible student" means a student who is: 24167

(a) An Ohio resident who first enrolls in an undergraduate program in the 2006-2007 academic year or thereafter; 24168
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(b) ~~Enrolled~~ If the student first enrolled in an undergraduate program in the 2006-2007 or 2007-2008 academic year, the student is enrolled in either of the following: 24170
24171
24172

(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization from the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, has a certificate 24173
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of registration from the state board of career colleges and 24178
schools and program authorization to award an associate or 24179
bachelor's degree, or is a private institution exempt from 24180
regulation under Chapter 3332. of the Revised Code as prescribed 24181
in section 3333.046 of the Revised Code. Students who attend an 24182
institution that holds a certificate of registration shall be 24183
enrolled in a program leading to an associate or bachelor's degree 24184
for which associate or bachelor's degree program the institution 24185
has program authorization issued under section 3332.05 of the 24186
Revised Code. 24187

(ii) A technical education program of at least two years 24188
duration sponsored by a private institution of higher education in 24189
this state that meets the requirements of Title VI of the Civil 24190
Rights Act of 1964. 24191

(c) If the student first enrolled in an undergraduate program 24192
after the 2007-2008 academic year, the student is enrolled in 24193
either of the following: 24194

(i) An accredited institution of higher education in this 24195
state that meets the requirements of Title VI of the Civil Rights 24196
Act of 1964 and is state-assisted, is nonprofit and has a 24197
certificate of authorization from the board of regents pursuant to 24198
Chapter 1713. of the Revised Code, or is a private institution 24199
exempt from regulation under Chapter 3332. of the Revised Code as 24200
prescribed in section 3333.046 of the Revised Code; 24201

(ii) An education program of at least two years duration 24202
sponsored by a private institution of higher education in this 24203
state that meets the requirements of Title VI of the Civil Rights 24204
Act of 1964 and has a certificate of authorization from the board 24205
of regents pursuant to Chapter 1713. of the Revised Code. 24206

(2) A student who participated in either the early college 24207
high school program administered by the department of education or 24208

in the post-secondary enrollment options program pursuant to 24209
Chapter 3365. of the Revised Code before the 2006-2007 academic 24210
year shall not be excluded from eligibility for a ~~need-based~~ 24211
needs-based financial aid grant under this section. 24212

(3) "Resident," "expected family contribution" or "EFC," 24213
"full-time student," "three-quarters-time student," "half-time 24214
student," "one-quarter-time student," and "accredited" shall be 24215
defined by rules adopted by the board. 24216

(B) The Ohio board of regents shall establish and administer 24217
a needs-based financial aid program based on the United States 24218
department of education's method of determining financial need and 24219
may adopt rules to carry out this section. The program shall be 24220
known as the Ohio college opportunity grant program. The general 24221
assembly shall support the needs-based financial aid program by 24222
such sums and in such manner as it may provide, but the board may 24223
also receive funds from other sources to support the program. If 24224
the amounts available for support of the program are inadequate to 24225
provide grants to all eligible students, preference in the payment 24226
of grants shall be given in terms of expected family contribution, 24227
beginning with the lowest expected family contribution category 24228
and proceeding upward by category to the highest expected family 24229
contribution category. 24230

A needs-based financial aid grant shall be paid to an 24231
eligible student through the institution in which the student is 24232
enrolled, except that no needs-based financial aid grant shall be 24233
paid to any person serving a term of imprisonment. Applications 24234
for such grants shall be made as prescribed by the board, and such 24235
applications may be made in conjunction with and upon the basis of 24236
information provided in conjunction with student assistance 24237
programs funded by agencies of the United States government or 24238
from financial resources of the institution of higher education. 24239
The institution shall certify that the student applicant meets the 24240

requirements set forth in divisions (A)(1)(a) and (b) of this 24241
section. Needs-based financial aid grants shall be provided to an 24242
eligible student only as long as the student is making appropriate 24243
progress toward a nursing diploma or an associate or bachelor's 24244
degree. No student shall be eligible to receive a grant for more 24245
than ten semesters, fifteen quarters, or the equivalent of five 24246
academic years. A grant made to an eligible student on the basis 24247
of less than full-time enrollment shall be based on the number of 24248
credit hours for which the student is enrolled and shall be 24249
computed in accordance with a formula adopted by the board. No 24250
student shall receive more than one grant on the basis of less 24251
than full-time enrollment. 24252

A needs-based financial aid grant shall not exceed the total 24253
instructional and general charges of the institution. 24254

(C) The tables in this division prescribe the maximum grant 24255
amounts covering two semesters, three quarters, or a comparable 24256
portion of one academic year. Grant amounts for additional terms 24257
in the same academic year shall be determined under division (D) 24258
of this section. 24259

As used in the tables in division (C) of this section: 24260

(1) "Private institution" means an institution that is 24261
nonprofit and has a certificate of authorization from the Ohio 24262
board of regents pursuant to Chapter 1713. of the Revised Code. 24263

(2) "Career college" means either an institution that holds a 24264
certificate of registration from the state board of career 24265
colleges and schools or a private institution exempt from 24266
regulation under Chapter 3332. of the Revised Code as prescribed 24267
in section 3333.046 of the Revised Code. 24268

Full-time students shall be eligible to receive awards 24269
according to the following table: 24270

Full-Time Enrollment 24271

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	24272
\$2,101	\$2,190	\$300	\$600	\$480	24273
2,001	2,100	402	798	642	24274
1,901	2,000	498	1,002	798	24275
1,801	1,900	600	1,200	960	24276
1,701	1,800	702	1,398	1,122	24277
1,601	1,700	798	1,602	1,278	24278
1,501	1,600	900	1,800	1,440	24279
1,401	1,500	1,002	1,998	1,602	24280
1,301	1,400	1,098	2,202	1,758	24281
1,201	1,300	1,200	2,400	1,920	24282
1,101	1,200	1,302	2,598	2,082	24283
1,001	1,100	1,398	2,802	2,238	24284
901	1,000	1,500	3,000	2,400	24285
801	900	1,602	3,198	2,562	24286
701	800	1,698	3,402	2,718	24287
601	700	1,800	3,600	2,280	24288
501	600	1,902	3,798	3,042	24289
401	500	1,998	4,002	3,198	24290
301	400	2,100	4,200	3,360	24291
201	300	2,202	4,398	3,522	24292
101	200	2,298	4,602	3,678	24293
1	100	2,400	4,800	3,840	24294
0	0	2,496	4,992	3,996	24295
Three-quarters-time students shall be eligible to receive awards according to the following table:					24296
					24297

		Three-Quarters-Time Enrollment			24298
If the EFC	And the	If the	If the	If the	24299
is equal	EFC is no	student	student	student	
to or	more than:	attends a	attends a	attends a	
greater		public	private	career	
than:		institution,	institution,	college,	
		the annual	the annual	the annual	
		award	award	award	
		shall be:	shall be:	shall be:	
\$2,101	\$2,190	\$228	\$450	\$360	24300
2,001	2,100	300	600	480	24301
1,901	2,000	372	750	600	24302
1,801	1,900	450	900	720	24303
1,701	1,800	528	1,050	840	24304
1,601	1,700	600	1,200	960	24305
1,501	1,600	678	1,350	1,080	24306
1,401	1,500	750	1,500	1,200	24307
1,301	1,400	822	1,650	1,320	24308
1,201	1,300	900	1,800	1,440	24309
1,101	1,200	978	1,950	1,560	24310
1,001	1,100	1,050	2,100	1,680	24311
901	1,000	1,128	2,250	1,800	24312
801	900	1,200	2,400	1,920	24313
701	800	1,272	2,550	2,040	24314
601	700	1,350	2,700	2,160	24315
501	600	1,428	2,850	2,280	24316
401	500	1,500	3,000	2,400	24317
301	400	1,578	3,150	2,520	24318
201	300	1,650	3,300	2,640	24319
101	200	1,722	3,450	2,760	24320
1	100	1,800	3,600	2,880	24321
0	0	1,872	3,744	3,000	24322
Half-time students shall be eligible to receive awards					24323

according to the following table:					24324
Half-Time Enrollment					24325
If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	24326
\$2,101	\$2,190	\$150	\$300	\$240	24327
2,001	2,100	204	402	324	24328
1,901	2,000	252	504	402	24329
1,801	1,900	300	600	480	24330
1,701	1,800	354	702	564	24331
1,601	1,700	402	804	642	24332
1,501	1,600	450	900	720	24333
1,401	1,500	504	1,002	804	24334
1,301	1,400	552	1,104	882	24335
1,201	1,300	600	1,200	960	24336
1,101	1,200	654	1,302	1,044	24337
1,001	1,100	702	1,404	1,122	24338
901	1,000	750	1,500	1,200	24339
801	900	804	1,602	1,284	24340
701	800	852	1,704	1,362	24341
601	700	900	1,800	1,440	24342
501	600	954	1,902	1,524	24343
401	500	1,002	2,004	1,602	24344
301	400	1,050	2,100	1,680	24345
201	300	1,104	2,202	1,764	24346
101	200	1,152	2,304	1,842	24347
1	100	1,200	2,400	1,920	24348
0	0	1,248	2,496	1,998	24349

One-quarter-time students shall be eligible to receive awards 24350
according to the following table: 24351

One-Quarter-Time Enrollment 24352

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$78	\$150	\$120	24354
2,001	2,100	102	198	162	24355
1,901	2,000	126	252	198	24356
1,801	1,900	150	300	240	24357
1,701	1,800	174	348	282	24358
1,601	1,700	198	402	318	24359
1,501	1,600	228	450	360	24360
1,401	1,500	252	498	402	24361
1,301	1,400	276	552	438	24362
1,201	1,300	300	600	480	24363
1,101	1,200	324	648	522	24364
1,001	1,100	348	702	558	24365
901	1,000	378	750	600	24366
801	900	402	798	642	24367
701	800	426	852	678	24368
601	700	450	900	720	24369
501	600	474	948	762	24370
401	500	498	1,002	798	24371
301	400	528	1,050	840	24372
201	300	552	1,098	882	24373
101	200	576	1,152	918	24374
1	100	600	1,200	960	24375

0 0 624 1,248 1,002 24376

(D) For a full-time student enrolled in an eligible 24377
institution for a semester or quarter in addition to the portion 24378
of the academic year covered by a grant determined under division 24379
(C) of this section, the maximum grant amount shall be a 24380
percentage of the maximum prescribed in the applicable table of 24381
that division. The maximum grant for a fourth quarter shall be 24382
one-third of the maximum amount prescribed under that division. 24383
The maximum grant for a third semester shall be one-half of the 24384
maximum amount prescribed under that division. 24385

(E) No grant shall be made to any student in a course of 24386
study in theology, religion, or other field of preparation for a 24387
religious profession unless such course of study leads to an 24388
accredited bachelor of arts, bachelor of science, associate of 24389
arts, or associate of science degree. 24390

(F)(1) Except as provided in division (F)(2) of this section, 24391
no grant shall be made to any student for enrollment during a 24392
fiscal year in an institution with a cohort default rate 24393
determined by the United States secretary of education pursuant to 24394
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 24395
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 24396
preceding the fiscal year, equal to or greater than thirty per 24397
cent for each of the preceding two fiscal years. 24398

(2) Division (F)(1) of this section does not apply to the 24399
following: 24400

(a) Any student enrolled in an institution that under the 24401
federal law appeals its loss of eligibility for federal financial 24402
aid and the United States secretary of education determines its 24403
cohort default rate after recalculation is lower than the rate 24404
specified in division (F)(1) of this section or the secretary 24405
determines due to mitigating circumstances the institution may 24406
continue to participate in federal financial aid programs. The 24407

board shall adopt rules requiring institutions to provide 24408
information regarding an appeal to the board. 24409

(b) Any student who has previously received a grant under 24410
this section who meets all other requirements of this section. 24411

(3) The board shall adopt rules for the notification of all 24412
institutions whose students will be ineligible to participate in 24413
the grant program pursuant to division (F)(1) of this section. 24414

(4) A student's attendance at an institution whose students 24415
lose eligibility for grants under division (F)(1) of this section 24416
shall not affect that student's eligibility to receive a grant 24417
when enrolled in another institution. 24418

(G) Institutions of higher education that enroll students 24419
receiving needs-based financial aid grants under this section 24420
shall report to the board all students who have received 24421
needs-based financial aid grants but are no longer eligible for 24422
all or part of such grants and shall refund any moneys due the 24423
state within thirty days after the beginning of the quarter or 24424
term immediately following the quarter or term in which the 24425
student was no longer eligible to receive all or part of the 24426
student's grant. There shall be an interest charge of one per cent 24427
per month on all moneys due and payable after such thirty-day 24428
period. The board shall immediately notify the office of budget 24429
and management and the legislative service commission of all 24430
refunds so received. 24431

Sec. 3333.27. As used in this section: 24432

(A) "Eligible institution" means a nonprofit Ohio institution 24433
of higher education that holds a certificate of authorization 24434
issued under section 1713.02 of the Revised Code and meets the 24435
requirements of Title VI of the Civil Rights Act of 1964. 24436

(B) "Resident" and "full-time student" have the meanings 24437

established for purposes of this section by rule of the Ohio board of regents. 24438
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The board shall establish and administer a student choice grant program and shall adopt rules for the administration of the program. 24440
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The board may make a grant to any resident of this state who is enrolled as a full-time student in a bachelor's degree program at an eligible institution, qualifies for an Ohio college opportunity grant under section 3333.122 of the Revised Code, and maintains an academic record that meets or exceeds the standard established pursuant to this section by rule of the board, except that no grant shall be made to any individual who was enrolled as a student in an institution of higher education on or before July 1, 1984, or is serving a term of imprisonment. The grant shall not exceed the lesser of the total instructional and general charges of the institution in which the student is enrolled, or an amount equal to one-fourth of the total of any state instructional subsidy amount distributed by the board in the second fiscal year of the preceding biennium for all full-time students enrolled in bachelor's degree programs at four-year state-assisted institutions of higher education divided by the sum of the actual number of full-time students enrolled in bachelor's degree programs at four-year state-assisted institutions of higher education reported to the board for such year by the institutions to which the subsidy was distributed. 24443
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The board shall prescribe the form and manner of application for grants including the manner of certification by eligible institutions that each applicant from such institution is enrolled in a bachelor's degree program as a full-time student and has an academic record that meets or exceeds the standard established by the board. 24463
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A grant awarded to an eligible student shall be paid to the 24469

institution in which the student is enrolled, and the institution 24470
shall reduce the student's instructional and general charges by 24471
the amount of the grant. Each grant awarded shall be prorated and 24472
paid in equal installments at the time of enrollment for each term 24473
of the academic year for which the grant is awarded. No student 24474
shall be eligible to receive a grant for more than ten semesters, 24475
fifteen quarters, or the equivalent of five academic years. 24476

The receipt of an Ohio student choice grant shall not affect 24477
a student's eligibility for assistance, or the amount of such 24478
assistance, granted under section 3315.33, 3333.12, 3333.122, 24479
3333.22, 3333.26, 5910.03, 5910.032, or 5919.34 of the Revised 24480
Code. If a student receives assistance under one or more of such 24481
sections, the student choice grant made to the student shall not 24482
exceed the difference between the amount of assistance received 24483
under such sections and the total instructional and general 24484
charges of the institution in which the student is enrolled. 24485

The general assembly shall support the student choice grant 24486
program by such sums and in such manner as it may provide, but the 24487
board may also receive funds from other sources to support the 24488
program. 24489

No grant shall be made to any student enrolled in a course of 24490
study leading to a degree in theology, religion, or other field of 24491
preparation for a religious profession unless the course of study 24492
leads to an accredited bachelor of arts or bachelor of science 24493
degree. 24494

Institutions of higher education that enroll students 24495
receiving grants under this section shall report to the board the 24496
name of each student who has received such a grant but who is no 24497
longer eligible for all or part of such grant and shall refund all 24498
moneys due to the state within thirty days after the beginning of 24499
the term immediately following the term in which the student was 24500
no longer eligible to receive all or part of the grant. There 24501

shall be an interest charge of one per cent per month on all 24502
moneys due and payable after such thirty-day period. The board 24503
shall immediately notify the office of budget and management and 24504
the legislative service commission of all refunds received. 24505

Sec. 3333.38. (A) As used in this section: 24506

(1) "Institution of higher education" includes all of the 24507
following: 24508

(a) A state institution of higher education, as defined in 24509
section 3345.011 of the Revised Code; 24510

(b) A nonprofit institution issued a certificate of 24511
authorization by the Ohio board of regents under Chapter 1713. of 24512
the Revised Code; 24513

(c) A private institution exempt from regulation under 24514
Chapter 3332. of the Revised Code, as prescribed in section 24515
3333.046 of the Revised Code; 24516

(d) An institution of higher education with a certificate of 24517
registration from the state board of career colleges and schools 24518
under Chapter 3332. of the Revised Code. 24519

(2) "Student financial assistance supported by state funds" 24520
includes assistance granted under sections 3315.33, 3333.12, 24521
3333.122, 3333.21, 3333.26, 3333.27, 3333.28, ~~3333.29~~, 3333.372, 24522
5910.03, 5910.032, and 5919.34 of the Revised Code and any other 24523
post-secondary student financial assistance supported by state 24524
funds. 24525

(B) An individual who is convicted of, pleads guilty to, or 24526
is adjudicated a delinquent child for one of the following 24527
violations shall be ineligible to receive any student financial 24528
assistance supported by state funds at an institution of higher 24529
education for two calendar years from the time the individual 24530
applies for assistance of that nature: 24531

(1) A violation of section 2917.02 or 2917.03 of the Revised Code; 24532
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(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree; 24534
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(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code. 24536
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(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2917.02 or 2917.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher education, the institution in which the individual is enrolled shall immediately dismiss the individual. No state-supported institution of higher education shall admit an individual of that nature for one academic year after the individual applies for admission to a state-supported institution of higher education. This division does not limit or affect the ability of a state-supported institution of higher education to suspend or otherwise discipline its students. 24541
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Sec. 3333.50. The Ohio board of regents, in consultation with the governor and the department of development, shall develop a critical needs rapid response system to respond quickly to critical workforce shortages in the state identified by the director of development pursuant to section 122.014 of the Revised Code. Not later than ninety days after the director of development notifies the chancellor of the board of a critical workforce shortage, the chancellor shall submit to the governor a proposal for addressing the shortage through initiatives of the board or institutions of higher education. 24553
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Sec. 3345.02. As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 24563
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Beginning in the 2008-2009 academic year, each state institution of higher education shall include in each statement of estimated or actual charges owed by a student enrolled in the institution an itemized list of the instructional fees, general fees, special purpose fees, service charges, fines, and any other fees or surcharges applicable to the student. 24566
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Sec. 3345.51. (A) Notwithstanding anything to the contrary in sections 123.01 and 123.15 of the Revised Code, a state university, the northeastern Ohio universities college of medicine, or a state community college may administer any capital facilities project for the construction, reconstruction, improvement, renovation, enlargement, or alteration of a public improvement under its jurisdiction for which funds are appropriated by the general assembly without the supervision, control, or approval of the department of administrative services as specified in those sections, if all of the following occur: 24572
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(1) The institution is certified by the state architect under section 123.17 of the Revised Code; 24582
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(2) Within sixty days after the effective date of the section of an act in which the general assembly initially makes an appropriation for the project, the board of trustees of the institution notifies the Ohio board of regents in writing of its request to administer the capital facilities project and the board of regents approves that request pursuant to division (B) of this section; 24584
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(3) The board of trustees passes a resolution stating its intent to comply with section 153.13 of the Revised Code and the 24591
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guidelines established pursuant to section 153.16 of the Revised Code and all laws that govern the selection of consultants, preparation and approval of contract documents, receipt of bids, and award of contracts with respect to the project.

(B) The board of regents shall adopt rules in accordance with Chapter 119. of the Revised Code that establish criteria for the administration by any such institution of higher education of a capital facilities project for which the general assembly appropriates funds. The criteria, to be developed with the department of administrative services and higher education representatives selected by the board of regents, shall include such matters as the adequacy of the staffing levels and expertise needed for the institution to administer the project, past performance of the institution in administering such projects, and the amount of institutional or other nonstate money to be used in financing the project. The board of regents shall approve the request of any such institution of higher education that seeks to administer any such capital facilities project and meets the criteria set forth in the rules and the requirements of division (A) of this section.

(C) Any institution that administers a capital facilities project under this section shall conduct biennial audits for the duration of the project to ensure that the institution is complying with Chapters 9., 123., and 153. of the Revised Code and that the institution is using its certification issued under section 123.17 of the Revised Code appropriately. The board of regents, in consultation with higher education representatives selected by the board, shall adopt rules in accordance with Chapter 119. of the Revised Code that establish criteria for the conduct of the audits. The criteria shall include documentation necessary to determine compliance with Chapters 9., 123., and 153. of the Revised Code and a method to determine whether an

institution is using its certification issued under section 123.17 24625
of the Revised Code appropriately. 24626

(D) The board of regents, in consultation with higher 24627
education representatives selected by the board, shall adopt rules 24628
in accordance with Chapter 119. of the Revised Code establishing 24629
criteria for monitoring capital facilities projects administered 24630
by institutions under this section. The criteria shall include the 24631
following: 24632

(1) Conditions under which the board of regents may revoke 24633
the authority of an institution to administer a capital facilities 24634
project under this section, including the failure of an 24635
institution to maintain a sufficient number of employees who have 24636
successfully completed the certification program under section 24637
123.17 of the Revised Code; 24638

(2) A process for institutions to remedy any problems found 24639
by an audit conducted pursuant to division (C) of this section, 24640
including the improper use of state funds or violations of Chapter 24641
9., 123., or 153. of the Revised Code. 24642

(E) If the board of regents revokes an institution's 24643
authority to administer a capital facilities project, the 24644
department of administrative services shall administer the capital 24645
facilities project. The board of regents also may require an 24646
institution, for which the board revoked authority to administer a 24647
capital facilities project, to acquire a new local administration 24648
~~competency~~ certification pursuant to section 123.17 of the Revised 24649
Code. 24650

Sec. 3353.02. (A) There is hereby created the eTech Ohio 24651
commission as an independent agency to advance education and 24652
accelerate the learning of the citizens of this state through 24653
technology. The commission shall provide leadership and support in 24654
extending the knowledge of the citizens of this state by promoting 24655

access to and use of all forms of educational technology, 24656
including educational television and radio, radio reading 24657
services, broadband networks, videotapes, compact discs, digital 24658
video on demand (DVD), and the internet. The commission also shall 24659
administer programs to provide financial and other assistance to 24660
school districts and other educational institutions for the 24661
acquisition and utilization of educational technology. 24662

The commission is a body corporate and politic, an agency of 24663
the state performing essential governmental functions of the 24664
state. 24665

(B) The commission shall consist of thirteen members, nine of 24666
whom shall be voting members. Six of the voting members shall be 24667
representatives of the public. Of the representatives of the 24668
public, four shall be appointed by the governor with the advice 24669
and consent of the senate, one shall be appointed by the speaker 24670
of the house of representatives, and one shall be appointed by the 24671
president of the senate. The superintendent of public instruction 24672
or a designee of the superintendent, the chancellor of the Ohio 24673
board of regents or a designee of the chancellor, and the ~~director~~ 24674
~~of the office of information technology~~ state chief information 24675
officer or a designee of the ~~director~~ officer shall be ex officio 24676
voting members. Of the nonvoting members, two shall be members of 24677
the house of representatives appointed by the speaker of the house 24678
of representatives and two shall be members of the senate 24679
appointed by the president of the senate. The members appointed 24680
from each chamber shall not be members of the same political 24681
party. 24682

(C) Initial terms of office for members appointed by the 24683
governor shall be one year for one member, two years for one 24684
member, three years for one member, and four years for one member. 24685
At the first meeting of the commission, members appointed by the 24686

governor shall draw lots to determine the length of the term each 24687
member will serve. Thereafter, terms of office for members 24688
appointed by the governor shall be for four years. Terms of office 24689
for voting members appointed by the speaker of the house of 24690
representatives and the president of the senate shall be for four 24691
years. Any member who is a representative of the public may be 24692
reappointed by the member's respective appointing authority, but 24693
no such member may serve more than two consecutive four-year 24694
terms. Such a member may be removed by the member's respective 24695
appointing authority for cause. 24696

Any legislative member appointed by the speaker of the house 24697
of representatives or the president of the senate who ceases to be 24698
a member of the legislative chamber from which the member was 24699
appointed shall cease to be a member of the commission. The 24700
speaker of the house of representatives and the president of the 24701
senate may remove their respective appointments to the commission 24702
at any time. 24703

(D) Vacancies among appointed members shall be filled in the 24704
manner provided for original appointments. Any member appointed to 24705
fill a vacancy occurring prior to the expiration of the term for 24706
which the member's predecessor was appointed shall hold office for 24707
the remainder of that term. Any appointed member shall continue in 24708
office subsequent to the expiration of that member's term until 24709
the member's successor takes office or until a period of sixty 24710
days has elapsed, whichever occurs first. 24711

(E) Members of the commission shall serve without 24712
compensation. The members who are representatives of the public 24713
shall be reimbursed, pursuant to office of budget and management 24714
guidelines, for actual and necessary expenses incurred in the 24715
performance of official duties. 24716

(F) The governor shall appoint the chairperson of the 24717
commission from among the commission's voting members. The 24718

chairperson shall serve a term of two years and may be 24719
reappointed. The commission shall elect other officers as 24720
necessary from among its voting members and shall prescribe its 24721
rules of procedure. 24722

(G) The commission shall establish advisory groups as needed 24723
to address topics of interest and to provide guidance to the 24724
commission regarding educational technology issues and the 24725
technology needs of educators, learners, and the public. Members 24726
of each advisory group shall be appointed by the commission and 24727
shall include representatives of individuals or organizations with 24728
an interest in the topic addressed by the advisory group. 24729

Sec. 3365.01. As used in this chapter: 24730

(A) "College" means any state-assisted college or university 24731
described in section 3333.041 of the Revised Code, any nonprofit 24732
institution holding a certificate of authorization pursuant to 24733
Chapter 1713. of the Revised Code, any private institution exempt 24734
from regulation under Chapter 3332. of the Revised Code as 24735
prescribed in section 3333.046 of the Revised Code, and any 24736
institution holding a certificate of registration from the state 24737
board of career colleges and schools and program authorization for 24738
an associate or bachelor's degree program issued under section 24739
3332.05 of the Revised Code. 24740

(B) "School district," except as specified in division (G) of 24741
this section, means any school district to which a student is 24742
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 24743
the Revised Code and does not include a joint vocational or 24744
cooperative education school district. 24745

(C) "Parent" has the same meaning as in section 3313.64 of 24746
the Revised Code. 24747

(D) "Participant" means a student enrolled in a college under 24748

the post-secondary enrollment options program established by this chapter. 24749
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(E) "Secondary grade" means the ninth through twelfth grades. 24751

(F) "School foundation payments" means the amount required to be paid to a school district for a fiscal year under Chapter 3317. of the Revised Code. 24752
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(G) "Tuition base" means, with respect to a participant's school district, the ~~greater of the following:~~ 24755
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~~(1) The fiscal year 2005 formula amount defined in section 3317.02 of the Revised Code multiplied by the district's fiscal year 2005 cost of doing business factor defined in that section;~~ 24757
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~~(2) The sum of (the current formula amount times the current cost of doing business factor defined in section 3317.02 of the Revised Code)~~ plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 24760
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The participant's "school district" in the case of a participant enrolled in a community school shall be the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 24765
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(H) "Educational program" means enrollment in one or more school districts, in a nonpublic school, or in a college under division (B) of section 3365.04 of the Revised Code. 24769
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(I) "Nonpublic school" means a chartered or nonchartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code. 24772
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(J) "School year" means the year beginning on the first day of July and ending on the thirtieth day of June. 24776
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(K) "Community school" means any school established pursuant 24778

to Chapter 3314. of the Revised Code that includes secondary 24779
grades. 24780

(L) "Community school payments" means payments made by the 24781
department of education to a community school pursuant to division 24782
(D) of section 3314.08 of the Revised Code. 24783

Sec. 3375.05. The board of trustees of any public library 24784
receiving money from a county's ~~library and local government~~ 24785
~~support libraries~~ fund that desires to render public library 24786
service by means of branches, library stations, or traveling 24787
library service to the inhabitants of any school district, other 24788
than a school district situated within the territorial boundaries 24789
of the subdivision or district over which said board has 24790
jurisdiction of free public library service, may make application 24791
to the state library board, upon forms provided by said board, for 24792
the establishment of such service. Said application shall set 24793
forth the total number of people being served by said library on 24794
the date of said application; an inventory of the books owned by 24795
said library; the number of branches, library stations, and 24796
traveling library service maintained by said library on the date 24797
of said application; the number and classification of the 24798
employees of said library and such other information as the state 24799
library board deems pertinent. Such application shall be 24800
accompanied by a financial statement of the library making the 24801
application covering the two fiscal years next preceding the date 24802
of said application. Upon receipt of said application by the state 24803
library board, the state librarian, or an employee of the state 24804
library board designated by such librarian, shall visit the 24805
library making the application for the purpose of determining 24806
whether or not the establishment of branches, library stations, or 24807
traveling library service as requested in said application will 24808
promote better library service in the district covered by said 24809
application. Upon the completion of such inspection, the 24810

librarian, or the person designated by the librarian to make such 24811
inspection, shall prepare a written report setting forth ~~his~~ the 24812
librarian's or designee's recommendations pertaining to the 24813
establishment of the branches, stations, or traveling library 24814
service as set forth in the application. Such report shall be 24815
submitted to the state library board within ninety days after the 24816
receipt of such application by the state library board. Within 24817
thirty days after such report has been filed with the state 24818
library board, said board shall either approve or disapprove, in 24819
whole or in part, the establishment of branches, library stations, 24820
or traveling library service as requested in said application. The 24821
decision of the state library board shall be final. Within ten 24822
days after final action has been taken by the state library board, 24823
upon such application, the librarian shall notify in writing the 24824
board of trustees of the public library making such application of 24825
the decision of the state library board. 24826

The state library board may withdraw its approval of library 24827
service rendered by any library to the inhabitants of a school 24828
district other than the school district in which the main library 24829
of such library is located. At least thirty days before the 24830
approval of such service may be withdrawn, the state library board 24831
shall give written notice to the board of trustees of the library 24832
rendering the service and the board of education of the school 24833
district to which such service is being rendered. Such notice 24834
shall set forth the reasons for the withdrawal of the approval of 24835
such service. If the board of trustees of the library rendering 24836
such service, or the board of education of a school district to 24837
which such service is being rendered, objects to the withdrawal of 24838
such approval it may, within twenty days of the receipt of such 24839
notice, request, in writing, the state library board to hold a 24840
hearing for the purpose of hearing protests to the withdrawal of 24841
such approval. Upon the receipt of such request, the state library 24842
board shall set the time and place of such hearing which shall be 24843

held within the territorial boundaries of the school district 24844
being served by the branch, station, or traveling library service 24845
whose continued operation is in question. Such hearing shall be 24846
held not less than thirty days after the receipt by the state 24847
library board of the request for such hearing. The state library 24848
board shall take no action on the withdrawal of approval of such 24849
service until after the holding of such hearing. The decision of 24850
the state library board shall be final. 24851

Sec. 3375.121. (A) In any municipal corporation, not located 24852
in a county library district, which has a population of not less 24853
than twenty-five thousand, and within which there is not located a 24854
main library of a township, municipal, school district, 24855
association, or county free public library, a library district may 24856
be created by a resolution adopted by the legislative authority of 24857
that municipal corporation. No such resolution shall be adopted 24858
after one year from June 20, 1977. Upon the adoption of such a 24859
resolution, any branches of an existing library that are located 24860
in that municipal corporation shall become the property of the 24861
municipal library district created. 24862

The municipal corporation and the board of trustees of the 24863
public library maintaining any existing branches in that municipal 24864
corporation shall forthwith take appropriate action transferring 24865
all title and interest in all real and personal property located 24866
in that municipal corporation in the name of the library district 24867
maintaining those branches in that municipal corporation to the 24868
municipal corporation adopting the appropriate resolution. Upon 24869
transfer of all title and interest in that property, the branches 24870
shall become a part of, and be operated by, the board of library 24871
trustees appointed by the mayor. 24872

(B) In any municipal corporation that has a population of 24873
less than twenty-five thousand and that has not less than one 24874

hundred thousand dollars available from a bequest for the 24875
establishment of a municipal library, the legislative authority of 24876
that municipal corporation may adopt, within one year after June 24877
20, 1977, a resolution creating a library district. Upon the 24878
establishment of any such library district, the board of trustees 24879
of any library operating a branch library in that municipal 24880
corporation shall not be required to transfer any property to the 24881
newly established library. 24882

(C) The board of library trustees of any library district 24883
created under this section shall be composed of six members. Those 24884
trustees shall be appointed by the mayor, to serve without 24885
compensation, for a term of four years. In the first instance, 24886
three of those trustees shall be appointed for a term of two 24887
years, and three of them shall be appointed for a term of four 24888
years. Vacancies shall be filled by like appointment for the 24889
unexpired term. A library district created under this section 24890
shall be governed in accordance with and exercise the authority 24891
provided for in sections 3375.32 to 3375.41 of the Revised Code. 24892

Notwithstanding any contrary provision of section 3.24 of the 24893
Revised Code, the president of a board of township trustees may 24894
administer the oath of office to a person or persons representing 24895
the township on the board of library trustees of any library 24896
district created under this section, even if the geographical 24897
limits of the library district do not fall within the geographical 24898
limits of the township. 24899

(D) Any library district created under this section is 24900
eligible to participate in the proceeds of the county ~~library and~~ 24901
local ~~government support~~ libraries fund in accordance with section 24902
5705.28 of the Revised Code. 24903

(E) A municipal corporation may establish and operate a free 24904
public library regardless of whether the municipal corporation is 24905
located in a county library district or school library district, 24906

if all of the following conditions are met: 24907

(1) The facility in which the library is principally located 24908
is transferred to the municipal corporation from the county 24909
library district or school library district in which it is located 24910
prior to January 1, 1996. 24911

(2) The population of the municipal corporation is less than 24912
five hundred when the library is transferred from the county 24913
library district or school library district to the municipal 24914
corporation. 24915

(3) The municipal corporation does not establish a municipal 24916
library district under this section. 24917

(4) The library does not receive any proceeds from the county 24918
~~library and local government support libraries~~ fund under section 24919
5747.48 of the Revised Code. 24920

Sec. 3375.40. Each board of library trustees appointed 24921
pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 24922
or 3375.30 of the Revised Code may do the following: 24923

(A) Hold title to and have the custody of all real and 24924
personal property of the free public library under its 24925
jurisdiction; 24926

(B) Expend for library purposes, and in the exercise of the 24927
power enumerated in this section, all moneys, whether derived from 24928
the county ~~library and local government support libraries~~ fund or 24929
otherwise, credited to the free public library under its 24930
jurisdiction and generally do all things it considers necessary 24931
for the establishment, maintenance, and improvement of the free 24932
public library under its jurisdiction; 24933

(C) Purchase, lease, construct, remodel, renovate, or 24934
otherwise improve, equip, and furnish buildings or parts of 24935
buildings and other real property, and purchase, lease, or 24936

otherwise acquire motor vehicles and other personal property, 24937
necessary for the proper maintenance and operation of the free 24938
public library under its jurisdiction, and pay their costs in 24939
installments or otherwise. Financing of these costs may be 24940
provided through the issuance of notes, through an installment 24941
sale, or through a lease-purchase agreement. Any such notes shall 24942
be issued pursuant to section 3375.404 of the Revised Code. 24943

(D) Purchase, lease, lease with an option to purchase, or 24944
erect buildings or parts of buildings to be used as main 24945
libraries, branch libraries, or library stations pursuant to 24946
section 3375.41 of the Revised Code; 24947

(E) Establish and maintain a main library, branches, library 24948
stations, and traveling library service within the territorial 24949
boundaries of the political subdivision or district over which it 24950
has jurisdiction of free public library service; 24951

(F) Except as otherwise provided in this division, establish 24952
and maintain branches, library stations, and traveling library 24953
service in any school district, outside the territorial boundaries 24954
of the political subdivision or district over which it has 24955
jurisdiction of free public library service, upon application to 24956
and approval of the state library board, pursuant to section 24957
3375.05 of the Revised Code. The board of library trustees of any 24958
free public library maintaining branches, stations, or traveling 24959
library service, outside the territorial boundaries of the 24960
political subdivision or district over which it has jurisdiction 24961
of free public library service, on September 4, 1947, may continue 24962
to maintain and operate those branches, those stations, and that 24963
traveling library service without the approval of the state 24964
library board. 24965

(G) Appoint and fix the compensation of all of the employees 24966
of the free public library under its jurisdiction, pay the 24967
reasonable cost of tuition for any of its employees who enroll in 24968

a course of study the board considers essential to the duties of 24969
the employee or to the improvement of the employee's performance, 24970
and reimburse applicants for employment for any reasonable 24971
expenses they incur by appearing for a personal interview; 24972

(H) Make and publish rules for the proper operation and 24973
management of the free public library and facilities under its 24974
jurisdiction, including rules pertaining to the provision of 24975
library services to individuals, corporations, or institutions 24976
that are not inhabitants of the county; 24977

(I) Assess uniform fees for the provision of services to 24978
patrons of the library, but no fee shall be assessed for the 24979
circulation of printed materials held by the library except for 24980
the assessment of fines for materials not returned in accordance 24981
with the board's rules; 24982

(J) Establish and maintain a museum in connection with and as 24983
an adjunct to the free public library under its jurisdiction; 24984

(K) By the adoption of a resolution, accept any bequest, 24985
gift, or endowment upon the conditions connected with the bequest, 24986
gift, or endowment. No such bequest, gift, or endowment shall be 24987
accepted by the board if its conditions remove any portion of the 24988
free public library under the board's jurisdiction from the 24989
control of the board or if the conditions, in any manner, limit 24990
the free use of the library or any part of it by the residents of 24991
the counties in which the library is located. 24992

(L) At the end of any fiscal year, by a two-thirds vote of 24993
its full membership, set aside any unencumbered surplus remaining 24994
in the general fund of the free public library under its 24995
jurisdiction for any purpose, including creating or increasing a 24996
special building and repair fund, or for operating the library or 24997
acquiring equipment and supplies; 24998

(M) Procure and pay all or part of the cost of group term 24999

life, hospitalization, surgical, major medical, disability 25000
benefit, dental care, eye care, hearing aids, or prescription drug 25001
insurance or coverage, or a combination of any of those types of 25002
insurance or coverage, whether issued by an insurance company or a 25003
health insuring corporation duly licensed by the state, covering 25004
its employees, and, in the case of group term life, 25005
hospitalization, surgical, major medical, dental care, eye care, 25006
hearing aids, or prescription drug insurance or coverage, also 25007
covering the dependents and spouses of its employees, and, in the 25008
case of disability benefits, also covering the spouses of its 25009
employees. 25010

(N) Pay reasonable dues and expenses for the free public 25011
library and library trustees in library associations. 25012

Any instrument by which real property is acquired pursuant to 25013
this section shall identify the agency of the state that has the 25014
use and benefit of the real property as specified in section 25015
5301.012 of the Revised Code. 25016

Sec. 3375.85. An interstate library district lying partly 25017
within this state may claim and be entitled to receive state aid, 25018
other than aid from the ~~library and local government support~~ 25019
libraries fund, in support of any of its functions to the same 25020
extent and in the same manner as such functions are eligible for 25021
~~support~~ support when carried on by entities wholly within this 25022
state. For the purposes of computing and apportioning such state 25023
aid to an interstate library district, this state will consider 25024
that portion of the area which lies within this state as an 25025
independent entity for the performance of the aided function or 25026
functions and compute and apportion the aid accordingly. Any 25027
library association that was organized and operated prior to 25028
January 1, 1968, and which pursuant to the authority granted in 25029
section 3375.83 of the Revised Code, has become part of an 25030

interstate library district shall be considered a library 25031
association under section 5705.28 of the Revised Code and entitled 25032
to participate in the county ~~library and local government support~~ 25033
libraries fund and other public funds. Subject to any applicable 25034
laws of this state, such a district also may apply for and be 25035
entitled to receive any federal aid for which it may be eligible. 25036

Sec. 3381.04. (A) In lieu of the procedure set forth in 25037
section 3381.03 of the Revised Code, any county with a population 25038
of five hundred thousand or more, at any time before the creation 25039
of a regional arts and cultural district under that section, may 25040
create a regional arts and cultural district by adoption of a 25041
resolution by the board of county commissioners of that county. 25042
The resolution shall state all of the following: 25043

(1) The purposes for the creation of the district; 25044

(2) That the territory of the district shall be coextensive 25045
with the territory of the county; 25046

(3) The official name by which the district shall be known; 25047

(4) The location of the principal office of the district or 25048
the manner in which the location shall be selected. 25049

(B) The district provided for in the resolution shall be 25050
created upon the adoption of the resolution by the board of county 25051
commissioners of that county. Upon the adoption of the resolution, 25052
the county and the municipal corporations and townships contained 25053
in the county shall not thereafter be a part of any other regional 25054
arts and cultural district. 25055

(C) The board of trustees of any regional arts and cultural 25056
district formed in accordance with this section shall be comprised 25057
of ~~three~~ five members appointed by the board of county 25058
commissioners. 25059

Sec. 3503.10. (A) Each designated agency shall designate one 25060
person within that agency to serve as coordinator for the voter 25061
registration program within the agency and its departments, 25062
divisions, and programs. The designated person shall be trained 25063
under a program designed by the secretary of state and shall be 25064
responsible for administering all aspects of the voter 25065
registration program for that agency as prescribed by the 25066
secretary of state. The designated person shall receive no 25067
additional compensation for performing such duties. 25068

(B) Every designated agency, public high school and 25069
vocational school, public library, and office of a county 25070
treasurer shall provide in each of its offices or locations voter 25071
registration applications and assistance in the registration of 25072
persons qualified to register to vote, in accordance with this 25073
chapter. 25074

(C) Every designated agency shall distribute to its 25075
applicants, prior to or in conjunction with distributing a voter 25076
registration application, a form prescribed by the secretary of 25077
state that includes all of the following: 25078

(1) The question, "Do you want to register to vote or update 25079
your current voter registration?"--followed by boxes for the 25080
applicant to indicate whether the applicant would like to register 25081
or decline to register to vote, and the statement, highlighted in 25082
bold print, "If you do not check either box, you will be 25083
considered to have decided not to register to vote at this time.;" 25084

(2) If the agency provides public assistance, the statement, 25085
"Applying to register or declining to register to vote will not 25086
affect the amount of assistance that you will be provided by this 25087
agency.;" 25088

(3) The statement, "If you would like help in filling out the 25089
voter registration application form, we will help you. The 25090

decision whether to seek or accept help is yours. You may fill out 25091
the application form in private."; 25092

(4) The statement, "If you believe that someone has 25093
interfered with your right to register or to decline to register 25094
to vote, your right to privacy in deciding whether to register or 25095
in applying to register to vote, or your right to choose your own 25096
political party or other political preference, you may file a 25097
complaint with the prosecuting attorney of your county or with the 25098
secretary of state," with the address and telephone number for 25099
each such official's office. 25100

(D) Each designated agency shall distribute a voter 25101
registration form prescribed by the secretary of state to each 25102
applicant with each application for service or assistance, and 25103
with each written application or form for recertification, 25104
renewal, or change of address. 25105

(E) Each designated agency shall do all of the following: 25106

(1) Have employees trained to administer the voter 25107
registration program in order to provide to each applicant who 25108
wishes to register to vote and who accepts assistance, the same 25109
degree of assistance with regard to completion of the voter 25110
registration application as is provided by the agency with regard 25111
to the completion of its own form; 25112

(2) Accept completed voter registration applications, voter 25113
registration change of residence forms, and voter registration 25114
change of name forms, regardless of whether the application or 25115
form was distributed by the designated agency, for transmittal to 25116
the office of the board of elections in the county in which the 25117
agency is located. Each designated agency and the appropriate 25118
board of elections shall establish a method by which the voter 25119
registration applications and other voter registration forms are 25120
transmitted to that board of elections within five days after 25121

being accepted by the agency. 25122

(3) If the designated agency is one that is primarily engaged 25123
in providing services to persons with disabilities under a 25124
state-funded program, and that agency provides services to a 25125
person with disabilities at a person's home, provide the services 25126
described in divisions (E)(1) and (2) of this section at the 25127
person's home; 25128

(4) Keep as confidential, except as required by the secretary 25129
of state for record-keeping purposes, the identity of an agency 25130
through which a person registered to vote or updated the person's 25131
voter registration records, and information relating to a 25132
declination to register to vote made in connection with a voter 25133
registration application issued by a designated agency. 25134

(F) The secretary of state shall prepare and transmit written 25135
instructions on the implementation of the voter registration 25136
program within each designated agency, public high school and 25137
vocational school, public library, and office of a county 25138
treasurer. The instructions shall include directions as follows: 25139

(1) That each person designated to assist with voter 25140
registration maintain strict neutrality with respect to a person's 25141
political philosophies, a person's right to register or decline to 25142
register, and any other matter that may influence a person's 25143
decision to register or not register to vote; 25144

(2) That each person designated to assist with voter 25145
registration not seek to influence a person's decision to register 25146
or not register to vote, not display or demonstrate any political 25147
preference or party allegiance, and not make any statement to a 25148
person or take any action the purpose or effect of which is to 25149
lead a person to believe that a decision to register or not 25150
register has any bearing on the availability of services or 25151
benefits offered, on the grade in a particular class in school, or 25152

on credit for a particular class in school; 25153

(3) Regarding when and how to assist a person in completing 25154
the voter registration application, what to do with the completed 25155
voter registration application or voter registration update form, 25156
and when the application must be transmitted to the appropriate 25157
board of elections; 25158

(4) Regarding what records must be kept by the agency and 25159
where and when those records should be transmitted to satisfy 25160
reporting requirements imposed on the secretary of state under the 25161
National Voter Registration Act of 1993; 25162

(5) Regarding whom to contact to obtain answers to questions 25163
about voter registration forms and procedures. 25164

(G) If the voter registration activity is part of an in-class 25165
voter registration program in a public high school or vocational 25166
school, whether prescribed by the secretary of state or 25167
independent of the secretary of state, the board of education 25168
shall do all of the following: 25169

(1) Establish a schedule of school days and hours during 25170
these days when the person designated to assist with voter 25171
registration shall provide voter registration assistance; 25172

(2) Designate a person to assist with voter registration from 25173
the public high school's or vocational school's staff; 25174

(3) Make voter registration applications and materials 25175
available, as outlined in the voter registration program 25176
established by the secretary of state pursuant to section 3501.05 25177
of the Revised Code; 25178

(4) Distribute the statement, "applying to register or 25179
declining to register to vote will not affect or be a condition of 25180
your receiving a particular grade in or credit for a school course 25181
or class, participating in a curricular or extracurricular 25182

activity, receiving a benefit or privilege, or participating in a 25183
program or activity otherwise available to pupils enrolled in this 25184
school district's schools."; 25185

(5) Establish a method by which the voter registration 25186
application and other voter registration forms are transmitted to 25187
the board of elections within five days after being accepted by 25188
the public high school or vocational school. 25189

(H) Any person employed by the designated agency, public high 25190
school or vocational school, public library, or office of a county 25191
treasurer may be designated to assist with voter registration 25192
pursuant to this section. The designated agency, public high 25193
school or vocational school, public library, or office of a county 25194
treasurer shall provide the designated person, and make available 25195
such space as may be necessary, without charge to the county or 25196
state. 25197

(I) The secretary of state shall prepare and cause to be 25198
displayed in a prominent location in each designated agency a 25199
notice that identifies the person designated to assist with voter 25200
registration, the nature of that person's duties, and where and 25201
when that person is available for assisting in the registration of 25202
voters. 25203

A designated agency may furnish additional supplies and 25204
services to disseminate information to increase public awareness 25205
of the existence of a person designated to assist with voter 25206
registration in every designated agency. 25207

(J) This section does not limit any authority a board of 25208
education, superintendent, or principal has to allow, sponsor, or 25209
promote voluntary election registration programs within a high 25210
school or vocational school, including programs in which pupils 25211
serve as persons designated to assist with voter registration, 25212
provided that no pupil is required to participate. 25213

(K) Each public library and office of the county treasurer 25214
shall establish a method by which voter registration forms are 25215
transmitted to the board of elections within five days after being 25216
accepted by the public library or office of the county treasurer. 25217

~~(L) The department of job and family services and its 25218
departments, divisions, and programs shall limit administration of 25219
the aspects of the voter registration program for the department 25220
to the requirements prescribed by the secretary of state and the 25221
requirements of this section and the National Voter Registration 25222
Act of 1993. 25223~~

Sec. 3701.741. (A) Through December 31, 2008, each health 25224
care provider and medical records company shall provide copies of 25225
medical records in accordance with this section. 25226

(B) Except as provided in divisions (C) and (E) of this 25227
section, a health care provider or medical records company that 25228
receives a request for a copy of a patient's medical record shall 25229
charge not more than the amounts set forth in this section. 25230

(1) If the request is made by the patient or the patient's 25231
personal representative, total costs for copies and all services 25232
related to those copies shall not exceed the sum of the following: 25233

(a) With respect to data recorded on paper, the following 25234
amounts: 25235

(i) Two dollars and fifty cents per page for the first ten 25236
pages; 25237

(ii) Fifty-one cents per page for pages eleven through fifty; 25238

(iii) Twenty cents per page for pages fifty-one and higher; 25239

(b) With respect to data recorded other than on paper, one 25240
dollar and seventy cents per page; 25241

(c) The actual cost of any related postage incurred by the 25242

health care provider or medical records company. 25243

(2) If the request is made other than by the patient or the 25244
patient's personal representative, total costs for copies and all 25245
services related to those copies shall not exceed the sum of the 25246
following: 25247

(a) An initial fee of fifteen dollars and thirty-five cents, 25248
which shall compensate for the records search; 25249

(b) With respect to data recorded on paper, the following 25250
amounts: 25251

(i) One dollar and two cents per page for the first ten 25252
pages; 25253

(ii) Fifty-one cents per page for pages eleven through fifty; 25254

(iii) Twenty cents per page for pages fifty-one and higher. 25255

(c) With respect to data recorded other than on paper, one 25256
dollar and seventy cents per page; 25257

(d) The actual cost of any related postage incurred by the 25258
health care provider or medical records company. 25259

(C)(1) A health care provider or medical records company 25260
shall provide one copy without charge to the following: 25261

(a) The bureau of workers' compensation, in accordance with 25262
Chapters 4121. and 4123. of the Revised Code and the rules adopted 25263
under those chapters; 25264

(b) The industrial commission, in accordance with Chapters 25265
4121. and 4123. of the Revised Code and the rules adopted under 25266
those chapters; 25267

(c) The department of job and family services or a county 25268
department of job and family services, in accordance with ~~Chapter~~ 25269
Chapters 5101. and 5111. of the Revised Code and the rules adopted 25270
under those chapters; 25271

(d) The attorney general, in accordance with sections 2743.51 25272
to 2743.72 of the Revised Code and any rules that may be adopted 25273
under those sections; 25274

(e) A patient or patient's personal representative if the 25275
medical record is necessary to support a claim under Title II or 25276
Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 25277
U.S.C.A. 401 and 1381, as amended, and the request is accompanied 25278
by documentation that a claim has been filed. 25279

(2) Nothing in division (C)(1) of this section requires a 25280
health care provider or medical records company to provide a copy 25281
without charge to any person or entity not listed in division 25282
(C)(1) of this section. 25283

(D) Division (C) of this section shall not be construed to 25284
supersede any rule of the bureau of workers' compensation, the 25285
industrial commission, or the department of job and family 25286
services. 25287

(E) A health care provider or medical records company may 25288
enter into a contract with either of the following for the copying 25289
of medical records at a fee other than as provided in division (B) 25290
of this section: 25291

(1) A patient, a patient's personal representative, or an 25292
authorized person; 25293

(2) An insurer authorized under Title XXXIX of the Revised 25294
Code to do the business of sickness and accident insurance in this 25295
state or health insuring corporations holding a certificate of 25296
authority under Chapter 1751. of the Revised Code. 25297

(F) This section does not apply to medical records the 25298
copying of which is covered by section 173.20 of the Revised Code 25299
or by 42 C.F.R. 483.10. 25300

Sec. 3702.52. The director of health shall administer a state 25301

certificate of need program in accordance with sections 3702.51 to 25302
3702.62 of the Revised Code and rules adopted under those 25303
sections. 25304

(A) The director shall issue rulings on whether a particular 25305
proposed project is a reviewable activity. The director shall 25306
issue a ruling not later than forty-five days after receiving a 25307
request for a ruling accompanied by the information needed to make 25308
the ruling. If the director does not issue a ruling in that time, 25309
the project shall be considered to have been ruled not a 25310
reviewable activity. 25311

(B) The director shall review applications for certificates 25312
of need. Each application shall be submitted to the director on 25313
forms prescribed by the director, shall include all information 25314
required by rules adopted under division (B) of section 3702.57 of 25315
the Revised Code, and shall be accompanied by the application fee 25316
established in rules adopted under division (G) of that section. 25317

~~Application~~ 25318

Application fees received by the director under this division 25319
shall be deposited into the state treasury to the credit of the 25320
certificate of need fund, which is hereby created. The director 25321
shall use the fund only to pay the costs of administering sections 25322
3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised 25323
Code and rules adopted under those sections. 25324

The director shall mail to the applicant a written notice 25325
that the application meets the criteria for a complete application 25326
specified in rules adopted under section 3702.57 of the Revised 25327
Code, or a written request for additional information, not later 25328
than ~~fifteen~~ thirty days after receiving an application or a 25329
response to an earlier request for information. The director shall 25330
not make more than two requests for additional information. 25331

The director may conduct a public informational hearing in 25332

the course of reviewing any application for a certificate of need, 25333
and shall conduct one if requested to do so by any affected person 25334
not later than fifteen days after the director mails the notice 25335
that the application is complete. The hearing shall be conducted 25336
in the community in which the activities authorized by the 25337
certificate of need would be carried out. Any affected person may 25338
testify at the hearing. The director may, with the health service 25339
agency's consent, designate a health service agency to conduct the 25340
hearing. 25341

Except during a public hearing or as necessary to comply with 25342
a subpoena issued under division (F) of this section, after a 25343
notice of completeness has been received, no person shall 25344
knowingly discuss in person or by telephone the merits of the 25345
application with the director. If one or more persons request a 25346
meeting in person or by telephone, the director shall make a 25347
reasonable effort to invite interested parties to the meeting or 25348
conference call. 25349

~~(C) Divisions (C)(1) to (7) of this section apply to 25350
certificate of need applications for which the director had not 25351
issued a written decision prior to April 20, 1995, unless the 25352
director was required, under the version of this section in effect 25353
immediately prior to June 30, 1995, to grant a certificate of need 25354
prior to June 30, 1995, because of a lack of written objections 25355
from any affected person. Divisions (C)(1) to (7) of this section 25356
do not invalidate any certificate of need that the director was 25357
required to grant prior to June 30, 1995, under that circumstance. 25358~~

~~(1) The All of the following apply to the process of granting 25359
or denying a certificate of need: 25360~~

~~(1) If the project proposed in a certificate of need 25361
application meets all of the applicable certificate of need 25362
criteria for approval under sections 3702.51 to 3702.62 of the 25363
Revised Code and the rules adopted under those sections, the 25364~~

director shall grant a certificate of need for the entire project 25365
that is the subject of the application immediately after both of 25366
the following conditions are met: 25367

(a) The board of trustees of the health service agency of the 25368
health service area in which the reviewable activity is proposed 25369
to be conducted recommends, prior to the deadline specified in 25370
division (C)(4) of this section or any extension of it under 25371
division (C)(5) of this section, that the certificate of need be 25372
granted; 25373

(b) The director ~~receives no~~ does not receive any written 25374
objections to the application from any affected person by the 25375
~~later of May 20, 1995, or thirty days~~ thirtieth day after the 25376
director mails the notice of completeness. 25377

(2) In the case of certificate of need applications under 25378
comparative review, if the projects proposed in the applications 25379
meet all of the applicable certificate of need criteria for 25380
approval under sections 3702.51 to 3702.62 of the Revised Code and 25381
the rules adopted under those sections, the director shall grant 25382
certificates of need for the entire projects that are the subject 25383
of the applications immediately after both of the following 25384
conditions are met: 25385

(a) The board of trustees of the health service agency of 25386
each health service area in which the reviewable activities are 25387
proposed to be conducted recommends, prior to the deadline 25388
specified in division (C)(4) of this section or any extension of 25389
it under division (C)(5) of this section, that certificates of 25390
need be granted for each of the reviewable activities to be 25391
conducted in its health service area; 25392

(b) The director ~~receives no~~ does not receive any written 25393
objections to any of the applications from any affected person by 25394
the ~~later of May 20, 1995, or thirty days~~ thirtieth day after the 25395

director mails the last notice of completeness. 25396

The director's grant of a certificate of need under division 25397
(C)(1) or (2) of this section does not affect, and sets no 25398
precedent for, the director's decision to grant or deny other 25399
applications for similar reviewable activities proposed to be 25400
conducted in the same or different health service areas. 25401

(3) If the director receives written objections to an 25402
application from any affected person by the ~~later of May 20, 1995,~~ 25403
~~or thirty days~~ thirtieth day after mailing the notice of 25404
completeness, regardless of the health service agency's 25405
recommendation, the director shall notify the applicant and assign 25406
a hearing examiner to conduct an adjudication hearing concerning 25407
the application in accordance with Chapter 119. of the Revised 25408
Code. In the case of applications under comparative review, if the 25409
director receives written objections to any of the applications 25410
from any affected person by the ~~later of May 20, 1995, or thirty~~ 25411
~~days~~ thirtieth day after the director mails the last notice of 25412
completeness, regardless of the health service agencies' 25413
recommendation, the director shall notify all of the applicants 25414
and appoint a hearing examiner to conduct a consolidated 25415
adjudication hearing concerning the applications in accordance 25416
with Chapter 119. of the Revised Code. The hearing examiner shall 25417
be employed by or under contract with the department of health. 25418

The adjudication hearings may be conducted in the health 25419
service area in which the reviewable activity is proposed to be 25420
conducted. Consolidated adjudication hearings for applications in 25421
comparative review may be conducted in the geographic region in 25422
which all of the reviewable activities will be conducted. The 25423
applicant, the director, and the affected persons that filed 25424
objections to the application shall be parties to the hearing. If 25425
none of the affected persons that submitted written objections to 25426
the application appears or prosecutes the hearing, the hearing 25427

examiner shall dismiss the hearing and the director shall grant a certificate of need for the entire project that is the subject of the application if the proposed project meets all of the applicable certificate of need criteria for approval under sections 3702.51 to 3702.62 of the Revised Code and the rules adopted under those sections. The affected persons bear the burden of proving by a preponderance of evidence that the project is not needed or that granting the certificate would not be in accordance with sections 3702.51 to 3702.62 of the Revised Code or the rules adopted under ~~section 3702.57 of the Revised Code~~ those sections.

(4) Except as provided in divisions (C)(1) and (2) of this section, the director shall grant or deny certificate of need applications for which an adjudication hearing is not conducted under division (C)(3) of this section not later than ~~ninety~~ sixty days after mailing the notice of completeness or, in the case of an application proposing addition of long-term care beds, not later than ~~ninety~~ sixty days after such other time as is specified in rules adopted under section 3702.57 of the Revised Code. The director shall grant or deny certificate of need applications for which an adjudication hearing is conducted under division (C)(3) of this section not later than thirty days after the expiration of the time for filing objections to the report and recommendation of the hearing examiner under section 119.09 of the Revised Code. The director shall base decisions concerning applications for which an adjudication hearing is conducted under division (C)(3) of this section on the report and recommendations of the hearing examiner.

(5) Except as otherwise provided in division (C)(1), (2), or (6) of this section, the director or the applicant may extend the deadline prescribed in division (C)(4) of this section once, for no longer than thirty days, by written notice before the end of the original thirty-day period. An extension by the director under division (C)(5) of this section shall apply to all applications

that are in comparative review. 25460

(6) No applicant in a comparative review may extend the 25461
deadline specified in division (C)(4) of this section. 25462

(7) Except as provided in divisions (C)(1) and (2) of this 25463
section, the director may grant a certificate of need for all or 25464
part of the project that is the subject of an application. If the 25465
director does not grant or deny the certificate by the applicable 25466
deadline specified in division (C)(4) of this section or any 25467
extension of it under division (C)(5) of this section, the 25468
certificate shall be considered to have been granted. ~~The 25469
director, in reviewing certificate of need applications for solid 25470
organ transplantation services, may ask for assistance from a 25471
statewide transplantation advisory group consisting of qualified 25472
professionals and administrators. Such consultation shall not 25473
cause the review period for any application to be extended beyond 25474
the applicable deadline specified in division (C)(4) of this 25475
section or any extension of it under division (C)(5) of this 25476
section.~~ 25477

~~(D)(8)~~ In granting a certificate of need, the director shall 25478
specify as the maximum capital expenditure the certificate holder 25479
may obligate under the certificate a figure equal to one hundred 25480
ten per cent of the approved project cost. 25481

~~(E)(9)~~ In granting a certificate of need, the director may 25482
grant the certificate with conditions that must be met by the 25483
holder of the certificate. 25484

(D) The director shall monitor the activities of persons 25485
granted certificates of need concerning long-term care beds during 25486
the period beginning with the granting of the certificate of need 25487
and ending five years after implementation of the activity for 25488
which the certificate was granted. 25489

In the case of any other certificate of need, the director 25490

shall monitor the activities of persons granted certificates of need during the period beginning with the granting of the certificate of need and ending when the activity for which the certificate was granted ceases to be a reviewable activity in accordance with section 3702.511 of the Revised Code.

~~(F)~~(E) When reviewing applications for certificates of need or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas duces tecum to compel the production of documents relevant to review of the application or monitoring of the activities. In addition, the director or the director's designee, which may include a health service agency, may visit the sites where the activities are or will be conducted.

~~(G)~~(F) The director may withdraw certificates of need.

~~(H)~~(G) The director shall conduct, on a regular basis, health system data collection and analysis activities and prepare reports. The director shall make recommendations based upon these activities to the public health council concerning the adoption of appropriate rules under section 3702.57 of the Revised Code. All health care facilities and other health care providers shall submit to the director, upon request, any information that is necessary to conduct reviews of certificate of need applications and to develop recommendations for criteria for reviews, and that is prescribed by rules adopted under division (H) of section 3702.57 of the Revised Code.

~~(I)~~(H) Any decision to grant or deny a certificate of need shall consider the special needs and circumstances resulting from moral and ethical values and the free exercise of religious rights of health care facilities administered by religious organizations, and the special needs and circumstances of children's hospitals, inner city hospitals, and small rural hospitals.

Sec. 3702.5211. Notwithstanding any conflicting provision of 25523
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 25524
veterans' home operated under Chapter 5907. of the Revised Code 25525
that is located in Sandusky, including the Secrest nursing home 25526
and Giffin care facility, is not required to obtain a certificate 25527
of need for the addition of up to fifty-two additional nursing 25528
home beds to be licensed under Chapter 3721. of the Revised Code 25529
if the additional beds are placed in service prior to June 30, 25530
1999. 25531

Sec. 3702.5212. (A) This section applies to each long-term 25532
care facility that meets the following requirements: 25533

(1) The facility has been in continuous operation for not 25534
less than one hundred twenty years prior to the effective date of 25535
this section; 25536

(2) The facility is located in an inner city area; 25537

(3) The facility is operating as a nonprofit entity organized 25538
under Chapter 1702. of the Revised Code or the nonprofit law of 25539
another state. 25540

(B) Notwithstanding any conflicting provision of sections 25541
3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the owner or 25542
operator of a long-term care facility described in division (A) of 25543
this section is not required to obtain a certificate of need for 25544
the addition of up to thirty long-term care beds to be licensed 25545
under Chapter 3721. of the Revised Code. The exemption shall apply 25546
only as long as the beds are owned and operated by the facility to 25547
which the exemption is granted. 25548

Sec. 3702.5213. Notwithstanding any conflicting provision of 25549
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 25550
veterans' home operated under Chapter 5907. of the Revised Code 25551

that is located in Brown county is not required to obtain a 25552
certificate of need for the addition of up to one hundred 25553
sixty-eight additional nursing home beds to be licensed under 25554
Chapter 3721. of the Revised Code if the additional beds are 25555
placed in service prior to December 31, 2004. 25556

Sec. 3702.57. (A) The public health council shall adopt rules 25557
establishing procedures and criteria for reviews of applications 25558
for certificates of need and issuance, denial, or withdrawal of 25559
certificates. 25560

(1) The rules shall require that, in addition to any other 25561
applicable review requirements of sections 3702.51 to 3702.62 of 25562
the Revised Code and rules adopted thereunder, any application for 25563
a certificate of need from an osteopathic hospital be reviewed on 25564
the basis of the need for and the availability in the community of 25565
services and hospitals for osteopathic physicians and their 25566
patients, and in terms of its impact on existing and proposed 25567
institutional training programs for doctors of osteopathy and 25568
doctors of medicine at the student, internship, and residency 25569
training levels. 25570

(2) In adopting rules that establish criteria for reviews of 25571
applications of certificates of need, the council shall consider 25572
the availability of and need for long-term care beds to provide 25573
care and treatment to persons diagnosed as having traumatic brain 25574
injuries and shall prescribe criteria for reviewing applications 25575
that propose to add long-term care beds to provide care and 25576
treatment to persons diagnosed as having traumatic brain injuries. 25577

(3) The criteria for reviews of applications for certificates 25578
of need shall relate to the need for the reviewable activity and 25579
shall pertain to all of the following matters: 25580

(a) The impact of the reviewable activity on the cost and 25581
quality of health services in the relevant geographic area, 25582

including, but not limited, to the historical and projected 25583
utilization of the services to which the application pertains and 25584
the effect of the reviewable activity on utilization of other 25585
providers of similar services; 25586

(b) The quality of the services to be provided as the result 25587
of the activity, as evidenced by the historical performance of the 25588
persons that will be involved in providing the services and by the 25589
provisions that are proposed in the application to ensure quality, 25590
including but not limited to adequate available personnel, 25591
available ancillary and support services, available equipment, 25592
size and configuration of physical plant, and relations with other 25593
providers; 25594

(c) The impact of the reviewable activity on the availability 25595
and accessibility of the type of services proposed in the 25596
application to the population of the relevant geographic area, and 25597
the level of access to the services proposed in the application 25598
that will be provided to medically underserved individuals such as 25599
recipients of public assistance and individuals who have no health 25600
insurance or whose health insurance is insufficient; 25601

(d) The activity's short- and long-term financial feasibility 25602
and cost-effectiveness, the impact of the activity on the 25603
applicant's costs and charges, and a comparison of the applicant's 25604
costs and charges with those of providers of similar services in 25605
the applicant's proposed service area; 25606

(e) The advantages, disadvantages, and costs of alternatives 25607
to the reviewable activity; 25608

(f) The impact of the activity on all other providers of 25609
similar services in the health service area or other relevant 25610
geographic area, including the impact on their utilization, market 25611
share, and financial status; 25612

(g) The historical performance of the applicant and related 25613

or affiliated parties in complying with previously granted 25614
certificates of need and any applicable certification, 25615
accreditation, or licensure requirements; 25616

(h) The relationship of the activity to the current edition 25617
of the state health resources plan issued under section 3702.521 25618
of the Revised Code; 25619

(i) The historical performance of the applicant and related 25620
or affiliated parties in providing cost-effective health care 25621
services; 25622

(j) The special needs and circumstances of the applicant or 25623
population proposed to be served by the proposed project, 25624
including research activities, prevalence of particular diseases, 25625
unusual demographic characteristics, cost-effective contractual 25626
affiliations, and other special circumstances; 25627

(k) The appropriateness of the zoning status of the proposed 25628
site of the activity; 25629

(l) The participation by the applicant in research conducted 25630
by the United States food and drug administration or clinical 25631
trials sponsored by the national institutes of health. 25632

(4) The criteria for reviews of applications may include 25633
formulas for determining need for beds and services. 25634

(a) The criteria prescribing formulas shall not, either by 25635
themselves or in conjunction with any established occupancy 25636
guidelines, require, as a condition of being granted a certificate 25637
of need, that a hospital reduce its complement of registered beds 25638
or discontinue any service that is not related to the service or 25639
project for which the certificate of need is sought. 25640

(b) With respect to applications to conduct reviewable 25641
activities that are affected directly by the inpatient occupancy 25642
of a health care facility, including addition, relocation, or 25643

recategorization of beds or renovation or other construction 25644
activities relating to inpatient services, the rules shall 25645
prescribe criteria for determining whether the scope of the 25646
proposed project is appropriate in light of the historical and 25647
reasonably projected occupancy rates for the beds related to the 25648
project. 25649

(c) Any rules prescribing criteria that establish ratios of 25650
beds, services, or equipment to population shall specify the bases 25651
for establishing the ratios or mitigating factors or exceptions to 25652
the ratios. 25653

(B) The council shall adopt rules specifying all of the 25654
following: 25655

(1) Information that must be provided in applications for 25656
certificates of need, which shall include a plan for obligating 25657
the capital expenditure or implementing the proposed project on a 25658
timely basis in accordance with section 3702.525 of the Revised 25659
Code; 25660

(2) Procedures for reviewing applications for completeness of 25661
information; 25662

(3) Criteria for determining that the application is 25663
complete. 25664

(C) The council shall adopt rules specifying requirements 25665
that holders of certificates of need must meet in order for the 25666
certificates to remain valid and establishing definitions and 25667
requirements for obligation of capital expenditures and 25668
implementation of projects authorized by certificates of need. 25669

(D) The council shall adopt rules establishing criteria and 25670
procedures under which the director of health may withdraw a 25671
certificate of need if the holder fails to meet requirements for 25672
continued validity of the certificate. 25673

(E) The council shall adopt rules establishing procedures 25674
under which the department of health shall monitor project 25675
implementation activities of holders of certificates of need. The 25676
rules adopted under this division also may establish procedures 25677
for monitoring implementation activities of persons that have 25678
received nonreviewability rulings. 25679

(F) The council shall adopt rules establishing procedures 25680
under which the director of health shall review certificates of 25681
need whose holders exceed or appear likely to exceed an 25682
expenditure maximum specified in a certificate. 25683

(G) The council shall adopt rules establishing certificate of 25684
need application fees sufficient to pay the costs incurred by the 25685
department for administering sections 3702.51 to 3702.62 of the 25686
Revised Code and to pay health service agencies for the functions 25687
they perform under division (D)(5) of section 3702.58 of the 25688
Revised Code. Unless rules are adopted under this division 25689
establishing different application fees, the application fee for a 25690
project not involving a capital expenditure shall be three 25691
thousand dollars and the application fee for a project involving a 25692
capital expenditure shall be nine-tenths of one per cent of the 25693
capital expenditure proposed subject to a minimum of three 25694
thousand dollars and a maximum of twenty thousand dollars. 25695

(H) The council shall adopt rules specifying information that 25696
is necessary to conduct reviews of certificate of need 25697
applications and to develop recommendations for criteria for 25698
reviews that health care facilities and other health care 25699
providers are to submit to the director under division ~~(H)~~(G) of 25700
section 3702.52 of the Revised Code. 25701

(I) The council shall adopt rules defining "affiliated 25702
person," "related person," and "ultimate controlling interest" for 25703
purposes of section 3702.524 of the Revised Code. 25704

(J) The council shall adopt rules prescribing requirements 25705
for holders of certificates of need to demonstrate to the director 25706
under section 3702.526 of the Revised Code that reasonable 25707
progress is being made toward completion of the reviewable 25708
activity and establishing standards by which the director shall 25709
determine whether reasonable progress is being made. 25710

(K) The council shall adopt rules defining high-risk cardiac 25711
catheterization patients. High-risk patients shall include 25712
patients with significant ischemic syndromes or unstable 25713
myocardial infarction, patients who need intervention such as 25714
angioplasty or bypass surgery, patients who may require difficult 25715
or complex catheterization procedures such as transeptal 25716
assessment of valvular dysfunction, patients with critical aortic 25717
stenosis or congestive heart failure, and other patients specified 25718
by the council. 25719

(L) The public health council shall adopt all rules under 25720
divisions (A) to (K) of this section in accordance with Chapter 25721
119. of the Revised Code. The council may adopt other rules as 25722
necessary to carry out the purposes of sections 3702.51 to 3702.62 25723
of the Revised Code. 25724

Sec. ~~3702.68~~ 3702.59. (A) Notwithstanding any conflicting 25725
provision of sections 3702.51 to 3702.62 of the Revised Code, 25726
other than the provisions of sections 3702.5210, 3702.5211, 25727
3702.5212, and 3702.5213 of the Revised Code, both of the 25728
following apply under the certificate of need program: 25729

(1) Divisions (B) to (E) of this section applies apply to the 25730
review of certificate of need applications during the period 25731
beginning July 1, 1993, and ending June 30, ~~2007~~ 2009. 25732

~~As used in this section, "existing health care facility" has~~ 25733
~~the same meaning as in section 3702.51 of the Revised Code~~ (2) 25734
Beginning July 1, 2009, the director of health shall not accept 25735

for review under section 3702.52 of the Revised Code any 25736
application for a certificate of need to recategorize hospital 25737
beds as described in section 3702.522 of the Revised Code. 25738

(B)(1) Except as provided in division (B)(2) of this section, 25739
the director of health shall neither grant nor deny any 25740
application for a certificate of need submitted prior to July 1, 25741
1993, if the application was for any of the following and the 25742
director had not issued a written decision concerning the 25743
application prior to that date: 25744

(a) Approval of beds in a new health care facility or an 25745
increase of beds in an existing health care facility, if the beds 25746
are proposed to be licensed as nursing home beds under Chapter 25747
3721. of the Revised Code; 25748

(b) Approval of beds in a new county home or new county 25749
nursing home as defined in section 5155.31 of the Revised Code, or 25750
an increase of beds in an existing county home or existing county 25751
nursing home, if the beds are proposed to be certified as skilled 25752
nursing facility beds under Title XVIII or nursing facility beds 25753
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 25754
42 U.S.C.A. 301, as amended; 25755

(c) Recategorization of hospital beds as described in section 25756
3702.522 of the Revised Code, an increase of hospital beds 25757
registered pursuant to section 3701.07 of the Revised Code as 25758
long-term care beds or skilled nursing facility beds, or a 25759
recategorization of hospital beds that would result in an increase 25760
of beds registered pursuant to that section as long-term care beds 25761
or skilled nursing facility beds. 25762

On July 1, 1993, the director shall return each such 25763
application to the applicant and, notwithstanding section 3702.52 25764
of the Revised Code regarding the uses of the certificate of need 25765
fund, shall refund to the applicant the application fee paid under 25766

that section. Applications returned under division (B)(1) of this 25767
section may be resubmitted in accordance with section 3702.52 of 25768
the Revised Code no sooner than July 1, ~~2007~~ 2009. 25769

(2) The director shall continue to review and shall issue a 25770
decision regarding any application submitted prior to July 1, 25771
1993, to increase beds for either of the purposes described in 25772
division (B)(1)(a) or (b) of this section if the proposed increase 25773
in beds is attributable solely to a replacement or relocation of 25774
existing beds within the same county. The director shall authorize 25775
under such an application no additional beds beyond those being 25776
replaced or relocated. 25777

(C)(1) Except as provided in division (C)(2) of this section, 25778
the director, during the period beginning July 1, 1993, and ending 25779
June 30, ~~2007~~ 2009, shall not accept for review under section 25780
3702.52 of the Revised Code any application for a certificate of 25781
need for any of the purposes described in divisions (B)(1)(a) to 25782
(c) of this section. 25783

(2)(a) The director shall accept for review any application 25784
for either of the purposes described in division (B)(1)(a) or (b) 25785
of this section if the proposed increase in beds is attributable 25786
solely to a replacement or relocation of existing beds from an 25787
existing health care facility within the same county. The director 25788
shall authorize under such an application no additional beds 25789
beyond those being replaced or relocated. 25790

The director shall not approve an application for a 25791
certificate of need for addition of long-term care beds to an 25792
existing health care facility by relocation of beds or for the 25793
development of a new health care facility by relocation of beds 25794
unless all of the following conditions are met: 25795

(i) The existing health care facility to which the beds are 25796
being relocated has no waivers for life safety code ~~waivers~~ 25797

deficiencies, no state fire code violations, and no state building code violations, or the project identified in the application proposes to correct all life safety code deficiencies for which a waiver has been granted, all state fire code violations, and all state building code violations at the existing health care facility to which the beds are being relocated;

(ii) During the sixty-month period preceding the filing of the application, no notice of proposed revocation of the facility's license was issued under section 3721.03 of the Revised Code to the operator of the existing facility to which the beds are being relocated or to any health care facility owned or operated by the applicant or any principal participant in the same corporation or other business;

(iii) Neither the existing health care facility to which the beds are being relocated nor any health care facility owned or operated by the applicant or any principal participant in the same corporation or other business has had a long-standing pattern of violations of this chapter or deficiencies that caused one or more residents physical, emotional, mental, or psychosocial harm.

(b) The director also shall accept for review any application for the conversion of infirmary beds to long-term care beds if the infirmary meets all of the following conditions:

(i) Is operated exclusively by a religious order;

(ii) Provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related;

(iii) Was providing care exclusively to members of such a religious order on January 1, 1994.

(D) The director shall issue a decision regarding any case remanded by a court as the result of a decision issued by the director prior to July 1, 1993, to grant, deny, or withdraw a

certificate of need for any of the purposes described in divisions 25829
(B)(1)(a) to (c) of this section. 25830

(E) The director shall not project the need for beds listed 25831
in division (B)(1) of this section for the period beginning July 25832
1, 1993, and ending June 30, ~~2007~~ 2009. 25833

~~This section is an interim section effective until July 1,~~ 25834
~~2007.~~ 25835

Sec. ~~3702.63~~ 3702.591. As specified in former Section 11 of 25836
Am. Sub. S.B. 50 of the 121st general assembly, as amended by Am. 25837
Sub. H.B. 405 of the 124th general assembly, all of the following 25838
apply: 25839

(A) The removal of former divisions (E) and (F) of section 25840
3702.52 of the Revised Code by Sections 1 and 2 of Am. Sub. S.B. 25841
50 of the 121st general assembly does not release the holders of 25842
certificates of need issued under those divisions from complying 25843
with any conditions on which the granting of the certificates of 25844
need was based, including the requirement of former division 25845
(E)(6) of that section that the holders not enter into provider 25846
agreements under Chapter 5111. of the Revised Code and Title XIX 25847
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 25848
as amended, for at least ten years following initial licensure of 25849
the long-term care facilities for which the certificates were 25850
granted. 25851

(B) The repeal of section 3702.55 of the Revised Code by 25852
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 25853
not release the holders of certificates of need issued under that 25854
section from complying with any conditions on which the granting 25855
of the certificates of need was based, other than the requirement 25856
of division (A)(6) of that section that the holders not seek 25857
certification under Title XVIII of the "Social Security Act" for 25858
beds recategorized under the certificates. That repeal also does 25859

not eliminate the requirement that the director of health revoke 25860
the licensure of the beds under Chapter 3721. of the Revised Code 25861
if a person to which their ownership is transferred fails, as 25862
required by division (A)(6) of the repealed section, to file 25863
within ten days after the transfer a sworn statement not to seek 25864
certification under Title XIX of the "Social Security Act" for 25865
beds recategorized under the certificates of need. 25866

(C) The repeal of section 3702.56 of the Revised Code by 25867
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 25868
not release the holders of certificates of need issued under that 25869
section from complying with any conditions on which the granting 25870
of the certificates of need was based. 25871

Sec. 3702.74. (A) A primary care physician who has signed a 25872
letter of intent under section 3702.73 of the Revised Code, the 25873
director of health, and the Ohio board of regents may enter into a 25874
contract for the physician's participation in the physician loan 25875
repayment program. A lending institution may also be a party to 25876
the contract. 25877

(B) The contract shall include all of the following 25878
obligations: 25879

(1) The primary care physician agrees to provide primary care 25880
services in the health resource shortage area identified in the 25881
letter of intent for at least two years or one year per twenty 25882
thousand dollars of repayment agreed to under division (B)(3) of 25883
this section, whichever is greater; 25884

(2) When providing primary care services in the health 25885
resource shortage area, the primary care physician agrees to do 25886
all of the following: 25887

(a) Provide primary care services for a minimum of forty 25888
hours per week; 25889

(b) Provide primary care services without regard to a 25890
patient's ability to pay; 25891

(c) Meet the conditions prescribed by the "Social Security 25892
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the 25893
department of job and family services for participation in the 25894
medical assistance program established under Chapter 5111. of the 25895
Revised Code and enter into a contract with the department to 25896
provide primary care services to recipients of the medical 25897
assistance program; 25898

(d) Meet the conditions established by the department of job 25899
and family services for participation in the nonfederal medical 25900
assistance program established under Chapter 5114. of the Revised 25901
Code and enter into a contract with the department to provide 25902
primary care services to recipients of nonfederal medical 25903
assistance; 25904

(e) Meet the conditions established by the department of job 25905
and family services for participation in the disability medical 25906
assistance program established under Chapter 5115. of the Revised 25907
Code and enter into a contract with the department to provide 25908
primary care services to recipients of disability medical 25909
assistance. 25910

(3) The Ohio board of regents agrees, as provided in section 25911
3702.75 of the Revised Code, to repay, so long as the primary care 25912
physician performs the service obligation agreed to under division 25913
(B)(1) of this section, all or part of the principal and interest 25914
of a government or other educational loan taken by the primary 25915
care physician for expenses described in section 3702.75 of the 25916
Revised Code; 25917

(4) The primary care physician agrees to pay the board the 25918
following as damages if the physician fails to complete the 25919
service obligation agreed to under division (B)(1) of this 25920

section:	25921
(a) If the failure occurs during the first two years of the service obligation, three times the total amount the board has agreed to repay under division (B)(3) of this section;	25922 25923 25924
(b) If the failure occurs after the first two years of the service obligation, three times the amount the board is still obligated to repay under division (B)(3) of this section.	25925 25926 25927
(c) The contract may include any other terms agreed upon by the parties, including an assignment to the Ohio board of regents of the physician's duty to pay the principal and interest of a government or other educational loan taken by the physician for expenses described in section 3702.75 of the Revised Code. If the board assumes the physician's duty to pay a loan, the contract shall set forth the total amount of principal and interest to be paid, an amortization schedule, and the amount of each payment to be made under the schedule.	25928 25929 25930 25931 25932 25933 25934 25935 25936
Sec. 3704.03. The director of environmental protection may do any of the following:	25937 25938
(A) Develop programs for the prevention, control, and abatement of air pollution;	25939 25940
(B) Advise, consult, contract, and cooperate with any governmental or private agency in the furtherance of the purposes of this chapter;	25941 25942 25943
(C) Encourage, participate in, or conduct studies, investigations, and research relating to air pollution, collect and disseminate information, and conduct education and training programs relating to the causes, prevention, control, and abatement of air pollution;	25944 25945 25946 25947 25948
(D) Adopt, modify, and rescind rules prescribing ambient air quality standards for the state as a whole or for various areas of	25949 25950

the state that are consistent with and no more stringent than the 25951
national ambient air quality standards in effect under the federal 25952
Clean Air Act; 25953

(E) Adopt, modify, suspend, and rescind rules for the 25954
prevention, control, and abatement of air pollution, including 25955
rules prescribing for the state as a whole or for various areas of 25956
the state emission standards for air contaminants, and other 25957
necessary rules for the purpose of achieving and maintaining 25958
compliance with ambient air quality standards in all areas within 25959
the state as expeditiously as practicable, but not later than any 25960
deadlines applicable under the federal Clean Air Act; rules for 25961
the prevention or control of the emission of hazardous or toxic 25962
air contaminants; rules prescribing fugitive dust limitations and 25963
standards that are related, on an areawide basis, to attainment 25964
and maintenance of ambient air quality standards; rules 25965
prescribing shade, density, or opacity limitations and standards 25966
for emissions, provided that with regard to air contaminant 25967
sources for which there are particulate matter emission standards 25968
in addition to a shade, density, or opacity rule, upon 25969
demonstration by such a source of compliance with those other 25970
standards, the shade, density, or opacity rule shall provide for 25971
establishment of a shade, density, or opacity limitation for that 25972
source that does not require the source to reduce emissions below 25973
the level specified by those other standards; rules for the 25974
prevention or control of odors and air pollution nuisances; rules 25975
that prevent significant deterioration of air quality to the 25976
extent required by the federal Clean Air Act; rules for the 25977
protection of visibility as required by the federal Clean Air Act; 25978
and rules prescribing open burning limitations and standards. In 25979
adopting, modifying, suspending, or rescinding any such rules, the 25980
director, to the extent consistent with the federal Clean Air Act, 25981
shall hear and give consideration to evidence relating to all of 25982
the following: 25983

(1) Conditions calculated to result from compliance with the 25984
rules, the overall cost within this state of compliance with the 25985
rules, and their relation to benefits to the people of the state 25986
to be derived from that compliance; 25987

(2) The quantity and characteristics of air contaminants, the 25988
frequency and duration of their presence in the ambient air, and 25989
the dispersion and dilution of those contaminants; 25990

(3) Topography, prevailing wind directions and velocities, 25991
physical conditions, and other factors that may or may combine to 25992
affect air pollution. 25993

Consistent with division (K) of section 3704.036 of the 25994
Revised Code, the director shall consider alternative emission 25995
limits proposed by the owner or operator of an air contaminant 25996
source that is subject to an emission limit established in rules 25997
adopted under this division and shall accept those alternative 25998
emission limits that the director determines to be equivalent to 25999
emission limits established in rules adopted under this division. 26000

(F)(1) Adopt, modify, suspend, and rescind rules consistent 26001
with the purposes of this chapter prohibiting the location, 26002
installation, construction, or modification of any air contaminant 26003
source or any machine, equipment, device, apparatus, or physical 26004
facility intended primarily to prevent or control the emission of 26005
air contaminants unless an installation permit therefor has been 26006
obtained from the director or the director's authorized 26007
representative. 26008

(2) Applications for installation permits shall be 26009
accompanied by plans, specifications, construction schedules, and 26010
such other pertinent information and data, including data on 26011
ambient air quality impact and a demonstration of best available 26012
technology, as the director may require. Installation permits 26013
shall be issued for a period specified by the director and are 26014

transferable. The director shall specify in each permit the 26015
applicable emission standards and that the permit is conditioned 26016
upon payment of the applicable fees as required by section 3745.11 26017
of the Revised Code and upon the right of the director's 26018
authorized representatives to enter upon the premises of the 26019
person to whom the permit has been issued, at any reasonable time 26020
and subject to safety requirements of the person in control of the 26021
premises, for the purpose of determining compliance with such 26022
standards, this chapter, the rules adopted thereunder, and the 26023
conditions of any permit, variance, or order issued thereunder. 26024
Each proposed new or modified air contaminant source shall provide 26025
such notice of its proposed installation or modification to other 26026
states as is required under the federal Clean Air Act. 26027
Installation permits shall include the authorization to operate 26028
sources installed and operated in accordance with terms and 26029
conditions of the installation permits for a period not to exceed 26030
one year from commencement of operation, which authorization shall 26031
constitute an operating permit under division (G) of this section 26032
and rules adopted under it. 26033

No installation permit shall be required for activities that 26034
are subject to and in compliance with a plant-wide applicability 26035
limit issued by the director in accordance with rules adopted 26036
under this section. 26037

No installation permit shall be issued except in accordance 26038
with all requirements of this chapter and rules adopted 26039
thereunder. No application shall be denied or permit revoked or 26040
modified without a written order stating the findings upon which 26041
denial, revocation, or modification is based. A copy of the order 26042
shall be sent to the applicant or permit holder by certified mail. 26043

(3) Not later than two years after ~~the effective date of this~~ 26044
~~amendment~~ August 3, 2006, the director shall adopt a rule in 26045
accordance with Chapter 119. of the Revised Code specifying that a 26046

permit to install is required only for new or modified air 26047
contaminant sources that emit any of the following air 26048
contaminants: 26049

(a) An air contaminant or precursor of an air contaminant for 26050
which a national ambient air quality standard has been adopted 26051
under the federal Clean Air Act; 26052

(b) An air contaminant for which the air contaminant source 26053
is regulated under the federal Clean Air Act; 26054

(c) An air contaminant that presents, or may present, through 26055
inhalation or other routes of exposure, a threat of adverse human 26056
health effects, including, but not limited to, substances that are 26057
known to be, or may reasonably be anticipated to be, carcinogenic, 26058
mutagenic, teratogenic, or neurotoxic, that cause reproductive 26059
dysfunction, or that are acutely or chronically toxic, or a threat 26060
of adverse environmental effects whether through ambient 26061
concentrations, bioaccumulation, deposition, or otherwise, and 26062
that is identified in the rule by chemical name and chemical 26063
abstract service number. 26064

The director may modify the rule adopted under division 26065
(F)(3)(c) of this section for the purpose of adding or deleting 26066
air contaminants. For each air contaminant that is contained in or 26067
deleted from the rule adopted under division (F)(3)(c) of this 26068
section, the director shall include in a notice accompanying any 26069
proposed or final rule an explanation of the director's 26070
determination that the air contaminant meets the criteria 26071
established in that division and should be added to, or no longer 26072
meets the criteria and should be deleted from, the list of air 26073
contaminants. The explanation shall include an identification of 26074
the scientific evidence on which the director relied in making the 26075
determination. Until adoption of the rule under division (F)(3)(c) 26076
of this section, nothing shall affect the director's authority to 26077
issue, deny, modify, or revoke permits to install under this 26078

chapter and rules adopted under it. 26079

(4)(a) Applications for permits to install new or modified 26080
air contaminant sources shall contain sufficient information 26081
regarding air contaminants for which the director may require a 26082
permit to install to determine conformity with the environmental 26083
protection agency's document entitled "Review of New Sources of 26084
Air Toxics Emissions, Option A," dated May 1986, which the 26085
director shall use to evaluate toxic emissions from new or 26086
modified air contaminant sources. The director shall make copies 26087
of the document available to the public upon request at no cost 26088
and post the document on the environmental protection agency's web 26089
site. Any inconsistency between the document and division (F)(4) 26090
of this section shall be resolved in favor of division (F)(4) of 26091
this section. 26092

(b) The maximum acceptable ground level concentration of an 26093
air contaminant shall be calculated in accordance with the 26094
document entitled "Review of New Sources of Air Toxics Emissions, 26095
Option A." Modeling shall be conducted to determine the increase 26096
in the ground level concentration of an air contaminant beyond the 26097
facility's boundary caused by the emissions from a new or modified 26098
source that is the subject of an application for a permit to 26099
install. Modeling shall be based on the maximum hourly rate of 26100
emissions from the source using information including, but not 26101
limited to, any emission control devices or methods, operational 26102
restrictions, stack parameters, and emission dispersion devices or 26103
methods that may affect ground level concentrations, either 26104
individually or in combination. The director shall determine 26105
whether the activities for which a permit to install is sought 26106
will cause an increase in the ground level concentration of one or 26107
more relevant air contaminants beyond the facility's boundary by 26108
an amount in excess of the maximum acceptable ground level 26109
concentration. In making the determination as to whether the 26110

maximum acceptable ground level concentration will be exceeded, 26111
the director shall give consideration to the modeling conducted 26112
under division (F)(4)(b) of this section and other relevant 26113
information submitted by the applicant. 26114

(c) If the modeling conducted under division (F)(4)(b) of 26115
this section with respect to an application for a permit to 26116
install demonstrates that the maximum ground level concentration 26117
from a new or modified source will be greater than or equal to 26118
eighty per cent, but less than one hundred per cent of the maximum 26119
acceptable ground level concentration for an air contaminant, the 26120
director may establish terms and conditions in the permit to 26121
install for the air contaminant source that will require the owner 26122
or operator of the air contaminant source to maintain emissions of 26123
that air contaminant commensurate with the modeled level, which 26124
shall be expressed as allowable emissions per day. In order to 26125
calculate the allowable emissions per day, the director shall 26126
multiply the hourly emission rate modeled under division (F)(4)(b) 26127
of this section to determine the ground level concentration by the 26128
operating schedule that has been identified in the permit to 26129
install application. Terms and conditions imposed under division 26130
(F)(4)(c) of this section are not federally enforceable 26131
requirements and, if included in a Title V permit, shall be placed 26132
in the portion of the permit that is only enforceable by the 26133
state. 26134

(d) If the modeling conducted under division (F)(4)(b) of 26135
this section with respect to an application for a permit to 26136
install demonstrates that the maximum ground level concentration 26137
from a new or modified source will be less than eighty per cent of 26138
the maximum acceptable ground level concentration, the owner or 26139
operator of the source annually shall report to the director, on a 26140
form prescribed by the director, whether operations of the source 26141
are consistent with the information regarding the operations that 26142

was used to conduct the modeling with regard to the permit to install application. The annual report to the director shall be in lieu of an emission limit or other permit terms and conditions imposed pursuant to division (F)(4) of this section. The director may consider any significant departure from the operations of the source described in the permit to install application that results in greater emissions than the emissions rate modeled to determine the ground level concentration as a modification and require the owner or operator to submit a permit to install application for the increased emissions. The requirements established in division (F)(4)(d) of this section are not federally enforceable requirements and, if included in a Title V permit, shall be placed in the portion of the permit that is only enforceable by the state.

(e) Division (F)(4) of this section and the document entitled "Review of New Sources of Air Toxics Emissions, Option A" shall not be included in the state implementation plan under section 110 of the federal Clean Air Act and do not apply to an air contaminant source that is subject to a maximum achievable control technology standard or residual risk standard under section 112 of the federal Clean Air Act, to a particular air contaminant identified under 40 C.F.R. 51.166, division (b)(23), for which the director has determined that the owner or operator of the source is required to install best available control technology for that particular air contaminant, or to a particular air contaminant for which the director has determined that the source is required to meet the lowest achievable emission rate, as defined in 40 C.F.R. part 51, Appendix S, for that particular air contaminant.

(f)(i) Division (F)(4) of this section and the document entitled "Review of New Sources of Air Toxics Emissions, Option A" do not apply to parking lots, storage piles, storage tanks, transfer operations, grain silos, grain dryers, emergency

generators, gasoline dispensing operations, air contaminant 26175
sources that emit air contaminants solely from the combustion of 26176
fossil fuels, or the emission of wood dust, sand, glass dust, coal 26177
dust, silica, and grain dust. 26178

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 26179
the director may require an individual air contaminant source that 26180
is within one of the source categories identified in division 26181
(F)(4)(f)(i) of this section to submit information in an 26182
application for a permit to install a new or modified source in 26183
order to determine the source's conformity to the document if the 26184
director has information to conclude that the particular new or 26185
modified source will potentially cause an increase in ground level 26186
concentration beyond the facility's boundary that exceeds the 26187
maximum acceptable ground level concentration as set forth in the 26188
document. 26189

(iii) The director may adopt rules in accordance with Chapter 26190
119. of the Revised Code that are consistent with the purposes of 26191
this chapter and that add to or delete from the source category 26192
exemptions established in division (F)(4)(f)(i) of this section. 26193

(5) Not later than one year after ~~the effective date of this~~ 26194
~~amendment~~ August 3, 2006, the director shall adopt rules in 26195
accordance with Chapter 119. of the Revised Code specifying 26196
activities that do not, by themselves, constitute beginning actual 26197
construction activities related to the installation or 26198
modification of an air contaminant source for which a permit to 26199
install is required such as the grading and clearing of land, 26200
on-site storage of portable parts and equipment, and the 26201
construction of foundations or buildings that do not themselves 26202
emit air contaminants. The rules also shall allow specified 26203
initial activities that are part of the installation or 26204
modification of an air contaminant source, such as the 26205
installation of electrical and other utilities for the source, 26206

prior to issuance of a permit to install, provided that the owner 26207
or operator of the source has filed a complete application for a 26208
permit to install, the director or the director's designee has 26209
determined that the application is complete, and the owner or 26210
operator of the source has notified the director that this 26211
activity will be undertaken prior to the issuance of a permit to 26212
install. Any activity that is undertaken by the source under those 26213
rules shall be at the risk of the owner or operator. The rules 26214
shall not apply to activities that are precluded prior to permit 26215
issuance under section 111, section 112, Part C of Title I, and 26216
Part D of Title I of the federal Clean Air Act. 26217

(G) Adopt, modify, suspend, and rescind rules prohibiting the 26218
operation or other use of any new, modified, or existing air 26219
contaminant source unless an operating permit has been obtained 26220
from the director or the director's authorized representative, or 26221
the air contaminant source is being operated in compliance with 26222
the conditions of a variance issued pursuant to division (H) of 26223
this section. Applications for operating permits shall be 26224
accompanied by such plans, specifications, and other pertinent 26225
information as the director may require. Operating permits may be 26226
issued for a period determined by the director not to exceed ~~five~~ 26227
ten years, are renewable, and are transferable. The director shall 26228
specify in each operating permit that the permit is conditioned 26229
upon payment of the applicable fees as required by section 3745.11 26230
of the Revised Code and upon the right of the director's 26231
authorized representatives to enter upon the premises of the 26232
person to whom the permit has been issued, at any reasonable time 26233
and subject to safety requirements of the person in control of the 26234
premises, for the purpose of determining compliance with this 26235
chapter, the rules adopted thereunder, and the conditions of any 26236
permit, variance, or order issued thereunder. Operating permits 26237
may be denied or revoked for failure to comply with this chapter 26238
or the rules adopted thereunder. An operating permit shall be 26239

issued only upon a showing satisfactory to the director or the 26240
director's representative that the air contaminant source is being 26241
operated in compliance with applicable emission standards and 26242
other rules or upon submission of a schedule of compliance 26243
satisfactory to the director for a source that is not in 26244
compliance with all applicable requirements at the time of permit 26245
issuance, provided that the compliance schedule shall be 26246
consistent with and at least as stringent as that contained in any 26247
judicial consent decree or administrative order to which the air 26248
contaminant source is subject. The rules shall provide for the 26249
issuance of conditional operating permits for such reasonable 26250
periods as the director may determine to allow the holder of an 26251
installation permit, who has constructed, installed, located, or 26252
modified a new air contaminant source in accordance with the 26253
provisions of an installation permit, to make adjustments or 26254
modifications necessary to enable the new air contaminant source 26255
to comply with applicable emission standards and other rules. 26256
Terms and conditions of operating permits issued pursuant to this 26257
division shall be federally enforceable for the purpose of 26258
establishing the potential to emit of a stationary source and 26259
shall be expressly designated as federally enforceable. Any such 26260
federally enforceable restrictions on a source's potential to emit 26261
shall include both an annual limit and a short-term limit of not 26262
more than thirty days for each pollutant to be restricted together 26263
with adequate methods for establishing compliance with the 26264
restrictions. In other respects, operating permits issued pursuant 26265
to this division are enforceable as state law only. No application 26266
shall be denied or permit revoked or modified without a written 26267
order stating the findings upon which denial, revocation, or 26268
modification is based. A copy of the order shall be sent to the 26269
applicant or permit holder by certified mail. 26270

(H) Adopt, modify, and rescind rules governing the issuance, 26271
revocation, modification, or denial of variances that authorize 26272

emissions in excess of the applicable emission standards. 26273

No variance shall be issued except pursuant to those rules. 26274
The rules shall prescribe conditions and criteria in furtherance 26275
of the purposes of this chapter and consistent with the federal 26276
Clean Air Act governing eligibility for issuance of variances, 26277
which shall include all of the following: 26278

(1) Provisions requiring consistency of emissions authorized 26279
by a variance with timely attainment and maintenance of ambient 26280
air quality standards; 26281

(2) Provisions prescribing the classes and categories of air 26282
contaminants and air contaminant sources for which variances may 26283
be issued; 26284

(3) Provisions defining the circumstances under which an 26285
applicant shall demonstrate that compliance with applicable 26286
emission standards is technically infeasible, economically 26287
unreasonable, or impossible because of conditions beyond the 26288
control of the applicant; 26289

(4) Other provisions prescribed in furtherance of the goals 26290
of this chapter. 26291

The rules shall prohibit the issuance of variances from any 26292
emission limitation that was applicable to a source pursuant to an 26293
installation permit and shall prohibit issuance of variances that 26294
conflict with the federal Clean Air Act. 26295

Applications for variances shall be accompanied by such 26296
information as the director may require. In issuing variances, the 26297
director may order the person to whom a variance is issued to 26298
furnish plans and specifications and such other information and 26299
data, including interim reports, as the director may require and 26300
to proceed to take such action within such time as the director 26301
may determine to be appropriate and reasonable to prevent, 26302
control, or abate the person's existing emissions of air 26303

contaminants. The director shall specify in each variance that the variance is conditioned upon payment of the applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the variance has been issued, at any reasonable time and subject to safety requirements of the person in control of the premises, for the purpose of determining compliance with this chapter, the rules adopted thereunder, and the conditions of any permit, variance, or order issued thereunder.

The director may hold a public hearing on an application for a variance or renewal thereof at a location in the county where the variance is sought. The director shall give not less than twenty days' notice of the hearing to the applicant by certified mail and cause at least one publication of notice in a newspaper with general circulation in the county where the variance is sought. The director shall keep available for public inspection at the principal office of the environmental protection agency a current schedule of pending applications for variances and a current schedule of pending variance hearings. The director shall make a complete stenographic record of testimony and other evidence submitted at the hearing. The director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis therefor into the record of the hearing. The director shall issue, renew, or deny an application for a variance or renewal thereof, or issue a proposed action upon the application pursuant to section 3745.07 of the Revised Code, within six months of the date upon which the director receives a complete application with all pertinent information and data required by the director.

Any variance granted pursuant to rules adopted under this division shall be for a period specified by the director, not to

exceed three years, and may be renewed from time to time on such 26336
terms and for such periods, not to exceed three years each, as the 26337
director determines to be appropriate. A variance may be revoked, 26338
or renewal denied, for failure to comply with conditions specified 26339
in the variance. No variance shall be issued, denied, revoked, or 26340
modified without a written order stating the findings upon which 26341
the issuance, denial, revocation, or modification is based. A copy 26342
of the order shall be sent to the applicant or variance holder by 26343
certified mail. 26344

(I) Require the owner or operator of an air contaminant 26345
source to install, employ, maintain, and operate such emissions, 26346
ambient air quality, meteorological, or other monitoring devices 26347
or methods as the director shall prescribe; to sample those 26348
emissions at such locations, at such intervals, and in such manner 26349
as the director prescribes; to maintain records and file periodic 26350
reports with the director containing information as to location, 26351
size, and height of emission outlets, rate, duration, and 26352
composition of emissions, and any other pertinent information the 26353
director prescribes; and to provide such written notice to other 26354
states as the director shall prescribe. In requiring monitoring 26355
devices, records, and reports, the director, to the extent 26356
consistent with the federal Clean Air Act, shall give 26357
consideration to technical feasibility and economic reasonableness 26358
and allow reasonable time for compliance. For sources where a 26359
specific monitoring, record-keeping, or reporting requirement is 26360
specified for a particular air contaminant from a particular air 26361
contaminant source in an applicable regulation adopted by the 26362
United States environmental protection agency under the federal 26363
Clean Air Act or in an applicable rule adopted by the director, 26364
the director shall not impose an additional requirement in a 26365
permit that is a different monitoring, record-keeping, or 26366
reporting requirement other than the requirement specified in the 26367
applicable regulation or rule for that air contaminant except as 26368

otherwise agreed to by the owner or operator of the air 26369
contaminant source and the director. If two or more regulations or 26370
rules impose different monitoring, record-keeping, or reporting 26371
requirements for the same air contaminant from the same air 26372
contaminant source, the director may impose permit terms and 26373
conditions that consolidate or streamline the monitoring, 26374
record-keeping, or reporting requirements in a manner that 26375
conforms with each applicable requirement. To the extent 26376
consistent with the federal Clean Air Act and except as otherwise 26377
agreed to by the owner or operator of an air contaminant source 26378
and the director, the director shall not require an operating 26379
restriction that has the practical effect of increasing the 26380
stringency of an existing applicable emission limitation or 26381
standard. 26382

(J) Establish, operate, and maintain monitoring stations and 26383
other devices designed to measure air pollution and enter into 26384
contracts with any public or private agency for the establishment, 26385
operation, or maintenance of such stations and devices; 26386

(K) By rule adopt procedures for giving reasonable public 26387
notice and conducting public hearings on any plans for the 26388
prevention, control, and abatement of air pollution that the 26389
director is required to submit to the federal government; 26390

(L) Through any employee, agent, or authorized representative 26391
of the director or the environmental protection agency, enter upon 26392
private or public property, including improvements thereon, at any 26393
reasonable time, to make inspections, take samples, conduct tests, 26394
and examine records or reports pertaining to any emission of air 26395
contaminants and any monitoring equipment or methods and to 26396
determine if there are any actual or potential emissions from such 26397
premises and, if so, to determine the sources, amounts, contents, 26398
and extent of those emissions, or to ascertain whether there is 26399
compliance with this chapter, any orders issued or rules adopted 26400

thereunder, or any other determination of the director. The 26401
director, at reasonable times, may have access to and copy any 26402
such records. If entry or inspection authorized by this division 26403
is refused, hindered, or thwarted, the director or the director's 26404
authorized representative may by affidavit apply for, and any 26405
judge of a court of record may issue, an appropriate inspection 26406
warrant necessary to achieve the purposes of this chapter within 26407
the court's territorial jurisdiction. 26408

(M) Accept and administer gifts or grants from the federal 26409
government and from any other source, public or private, for 26410
carrying out any of the functions under this chapter; 26411

(N) Obtain necessary scientific, technical, and laboratory 26412
services; 26413

(O) Establish advisory boards in accordance with section 26414
121.13 of the Revised Code; 26415

(P) Delegate to any city or general health district or 26416
political subdivision of the state any of the director's 26417
enforcement and monitoring powers and duties, other than 26418
rule-making powers, as the director elects to delegate, and in 26419
addition employ, compensate, and prescribe the powers and duties 26420
of such officers, employees, and consultants as are necessary to 26421
enable the director to exercise the authority and perform duties 26422
imposed upon the director by law. Technical and other services 26423
shall be performed, insofar as practical, by personnel of the 26424
environmental protection agency. 26425

(Q) Certify to the government of the United States or any 26426
agency thereof that an industrial air pollution facility is in 26427
conformity with the state program or requirements for control of 26428
air pollution whenever such certificate is required for a taxpayer 26429
pursuant to any federal law or requirements; 26430

(R) Issue, modify, or revoke orders requiring abatement of or 26431

prohibiting emissions that violate applicable emission standards 26432
or other requirements of this chapter and rules adopted 26433
thereunder, or requiring emission control devices or measures in 26434
order to comply with applicable emission standards or other 26435
requirements of this chapter and rules adopted thereunder. Any 26436
such order shall require compliance with applicable emission 26437
standards by a specified date and shall not conflict with any 26438
requirement of the federal Clean Air Act. In the making of such 26439
orders, the director, to the extent consistent with the federal 26440
Clean Air Act, shall give consideration to, and base the 26441
determination on, evidence relating to the technical feasibility 26442
and economic reasonableness of compliance with such orders and 26443
their relation to benefits to the people of the state to be 26444
derived from such compliance. If, under the federal Clean Air Act, 26445
any such order shall provide for the posting of a bond or surety 26446
to secure compliance with the order as a condition of issuance of 26447
the order, the order shall so provide, but only to the extent 26448
required by the federal Clean Air Act. 26449

(S) To the extent provided by the federal Clean Air Act, 26450
adopt, modify, and rescind rules providing for the administrative 26451
assessment and collection of monetary penalties, not in excess of 26452
those required pursuant to the federal Clean Air Act, for failure 26453
to comply with any emission limitation or standard, compliance 26454
schedule, or other requirement of any rule, order, permit, or 26455
variance issued or adopted under this chapter or required under 26456
the applicable implementation plan whether or not the source is 26457
subject to a federal or state consent decree. The director may 26458
require the submission of compliance schedules, calculations of 26459
penalties for noncompliance, and related information. Any orders, 26460
payments, sanctions, or other requirements imposed pursuant to 26461
rules adopted under this division shall be in addition to any 26462
other permits, orders, payments, sanctions, or other requirements 26463
established under this chapter and shall not affect any civil or 26464

criminal enforcement proceedings brought under any provision of 26465
this chapter or any other provision of state or local law. This 26466
division does not apply to any requirement of this chapter 26467
regarding the prevention or abatement of odors. 26468

(T) Require new or modified air contaminant sources to 26469
install best available technology, but only in accordance with 26470
this division. With respect to permits issued pursuant to division 26471
(F) of this section beginning three years after ~~the effective date~~ 26472
~~of this amendment~~ August 3, 2006, best available technology for 26473
air contaminant sources and air contaminants emitted by those 26474
sources that are subject to standards adopted under section 112, 26475
Part C of Title I, and Part D of Title I of the federal Clean Air 26476
Act shall be equivalent to and no more stringent than those 26477
standards. For an air contaminant or precursor of an air 26478
contaminant for which a national ambient air quality standard has 26479
been adopted under the federal Clean Air Act, best available 26480
technology only shall be required to the extent required by rules 26481
adopted under Chapter 119. of the Revised Code for permit to 26482
install applications filed three or more years after ~~the effective~~ 26483
~~date of this amendment~~ August 3, 2006. 26484

Best available technology requirements established in rules 26485
adopted under this division shall be expressed only in one of the 26486
following ways that is most appropriate for the applicable source 26487
or source categories: 26488

(1) Work practices; 26489

(2) Source design characteristics or design efficiency of 26490
applicable air contaminant control devices; 26491

(3) Raw material specifications or throughput limitations 26492
averaged over a twelve-month rolling period; 26493

(4) Monthly allowable emissions averaged over a twelve-month 26494
rolling period. 26495

Best available technology requirements shall not apply to an air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, less than ten tons per year of emissions of an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act. In addition, best available technology requirements established in rules adopted under this division shall not apply to any existing, new, or modified air contaminant source that is subject to a plant-wide applicability limit that has been approved by the director. Further, best available technology requirements established in rules adopted under this division shall not apply to general permits issued prior to January 1, 2006, under rules adopted under this chapter.

For permits to install issued three or more years after ~~the effective date of this amendment~~ August 3, 2006, any new or modified air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, ten or more tons per year of volatile organic compounds or nitrogen oxides shall meet, at a minimum, the requirements of any applicable reasonably available control technology rule in effect as of January 1, 2006, regardless of the location of the source.

(U) Consistent with section 507 of the federal Clean Air Act, adopt, modify, suspend, and rescind rules for the establishment of a small business stationary source technical and environmental compliance assistance program as provided in section 3704.18 of the Revised Code;

(V) Provide for emissions trading, marketable permits, auctions of emission rights, and economic incentives that would reduce the cost or increase the efficiency of achieving a specified level of environmental protection;

(W) Provide for the construction of an air contaminant source

prior to obtaining a permit to install pursuant to division (F) of 26528
this section if the applicant demonstrates that the source will be 26529
installed to comply with all applicable emission limits and will 26530
not adversely affect public health or safety or the environment 26531
and if the director determines that such an action will avoid an 26532
unreasonable hardship on the owner or operator of the source. Any 26533
such determination shall be consistent with the federal Clean Air 26534
Act. 26535

(X) Exercise all incidental powers, including adoption of 26536
rules, required to carry out this chapter. 26537

The environmental protection agency shall develop a plan to 26538
control air pollution resulting from state-operated facilities and 26539
property. 26540

Sec. 3704.14. (A) The director of environmental protection 26541
shall continue to implement an enhanced motor vehicle inspection 26542
and maintenance program for a period of two years beginning on 26543
January 1, ~~2006~~ 2008, and ending on December 31, ~~2007~~ 2009, in 26544
counties in which a motor vehicle inspection and maintenance 26545
program is federally mandated. The program shall be substantially 26546
similar to the enhanced program implemented in those counties 26547
under a contract that is scheduled to expire on December 31, ~~2005~~ 26548
2007. The program, at a minimum, shall do all of the following: 26549

(1) Comply with the federal Clean Air Act; 26550

(2) Provide for the extension of a contract for a period of 26551
two years, beginning on January 1, ~~2006~~ 2008, and ending on 26552
December 31, ~~2007~~ 2009, with the contractor who conducted the 26553
enhanced motor vehicle inspection and maintenance program in those 26554
~~federally mandated~~ counties where the program was in operation on 26555
January 3, 2006, pursuant to a contract entered into ~~under former~~ 26556
~~section 3704.14 of the Revised Code as that section existed prior~~ 26557
~~to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th~~ 26558

~~General Assembly with the state;~~ 26559

(3) Provide for the issuance of inspection certificates; 26560

(4) Provide for a new car exemption for motor vehicles four 26561
years old or newer and provide that a new motor vehicle is exempt 26562
for four years regardless of whether legal title to the motor 26563
vehicle is transferred during that period. 26564

~~(B) The director shall not implement a motor vehicle 26565
inspection and maintenance program in any county other than a 26566
county in which a motor vehicle inspection and maintenance program 26567
is federally mandated. 26568~~

~~(C)~~ The director shall adopt rules in accordance with Chapter 26569
119. of the Revised Code that the director determines are 26570
necessary to implement this section. The director may continue to 26571
implement and enforce rules pertaining to the enhanced motor 26572
vehicle inspection and maintenance program previously implemented 26573
under former section 3704.14 of the Revised Code as that section 26574
existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of 26575
the 126th general assembly, provided that the rules do not 26576
conflict with this section. 26577

~~(D)~~(C) There is hereby created in the state treasury the 26578
motor vehicle inspection and maintenance fund, which shall consist 26579
of money received by the director from any fees for inspections 26580
that are established in rules adopted under this section. The 26581
director shall use money in the fund solely for the 26582
implementation, supervision, administration, operation, and 26583
enforcement of the enhanced motor vehicle inspection and 26584
maintenance program established under this section. 26585

~~(E)~~(D) The enhanced motor vehicle inspection and maintenance 26586
program established under this section expires on December 31, 26587
~~2007~~ 2009, and shall not be continued beyond that date unless 26588
otherwise federally mandated. 26589

(E) Notwithstanding divisions (A) to (D) of this section, the director shall not implement an enhanced motor vehicle inspection and maintenance program and no such program shall be operated in an area of the state where such a program was not in operation on January 3, 2006, pursuant to a contract entered into by this state unless both of following apply:

(1) The program is required in the approved state implementation plan; and

(2) After January 3, 2006, the United States environmental protection agency has expressly notified the director in writing that the failure to operate the program in a specific area will result in the imposition of sanctions under the federal Clean Air Act.

(F) The general assembly hereby declares that division (E) of this section represents a codification of the intended meaning of this section as it existed after its re-enactment by Am. Sub. H.B. 66 of the 126th general assembly.

Sec. 3705.24. (A)(1) The public health council shall, in accordance with section 111.15 of the Revised Code, adopt rules prescribing fees for the following services provided by the state office of vital statistics:

(a) Except as provided in division (A)(4) of this section:

(i) A certified copy of a vital record or a certification of birth;

(ii) A search by the office of vital statistics of its files and records pursuant to a request for information, regardless of whether a copy of a record is provided;

(iii) A copy of a record provided pursuant to a request;

(b) Replacement of a birth certificate following an adoption, legitimation, paternity determination or acknowledgement, or court

order;	26620
(c) Filing of a delayed registration of a vital record;	26621
(d) Amendment of a vital record that is requested later than one year after the filing date of the vital record;	26622 26623
(e) Any other documents or services for which the public health council considers the charging of a fee appropriate.	26624 26625
(2) Fees prescribed under division (A)(1)(a) of this section shall not be less than seven dollars.	26626 26627
(3) Fees prescribed under division (A)(1) of this section shall be collected in addition to any fees required by sections 3109.14 and 3705.242 of the Revised Code.	26628 26629 26630
(4) Fees prescribed under division (A) of this section shall not apply to certifications issued under division (H) of this section or copies provided under section 3705.241 of the Revised Code.	26631 26632 26633 26634
(B) In addition to the fees prescribed under division (A) of this section or section 3709.09 of the Revised Code, the office of vital statistics or the board of health of a city or general health district shall charge a five-dollar fee for each certified copy of a vital record and each certification of birth. This fee shall be deposited in the general operations fund created under section 3701.83 of the Revised Code and be used solely toward to <u>support the operations,</u> the modernization, and <u>the</u> automation of the system of vital records <u>program</u> in this state. A board of health shall forward all fees collected under this division to the department of health not later than thirty days after the end of each calendar quarter.	26635 26636 26637 26638 26639 26640 26641 26642 26643 26644 26645 26646
(C) Except as otherwise provided in division (H) of this section, and except as provided in section 3705.241 of the Revised Code, fees collected by the director of health under sections	26647 26648 26649

3705.01 to 3705.29 of the Revised Code shall be paid into the 26650
state treasury to the credit of the general operations fund 26651
created by section 3701.83 of the Revised Code. Except as provided 26652
in division (B) of this section, money generated by the fees shall 26653
be used only for administration and enforcement of this chapter 26654
and the rules adopted under it. Amounts submitted to the 26655
department of health for copies of vital records or services in 26656
excess of the fees imposed by this section shall be dealt with as 26657
follows: 26658

(1) An overpayment of two dollars or less shall be retained 26659
by the department and deposited in the state treasury to the 26660
credit of the general operations fund created by section 3701.83 26661
of the Revised Code. 26662

(2) An overpayment in excess of two dollars shall be returned 26663
to the person who made the overpayment. 26664

(D) If a local registrar is a salaried employee of a city or 26665
a general health district, any fees the local registrar receives 26666
pursuant to section 3705.23 of the Revised Code shall be paid into 26667
the general fund of the city or the health fund of the general 26668
health district. 26669

Each local registrar of vital statistics, or each health 26670
district where the local registrar is a salaried employee of the 26671
district, shall be entitled to a fee for each birth, fetal death, 26672
death, or military service certificate properly and completely 26673
made out and registered with the local registrar or district and 26674
correctly copied and forwarded to the office of vital statistics 26675
in accordance with the population of the primary registration 26676
district at the last federal census. The fee for each birth, fetal 26677
death, death, or military service certificate shall be: 26678

(1) In primary registration districts of over two hundred 26679
fifty thousand, twenty cents; 26680

(2) In primary registration districts of over one hundred 26681
twenty-five thousand and less than two hundred fifty thousand, 26682
sixty cents; 26683

(3) In primary registration districts of over fifty thousand 26684
and less than one hundred twenty-five thousand, eighty cents; 26685

(4) In primary registration districts of less than fifty 26686
thousand, one dollar. 26687

(E) The director of health shall annually certify to the 26688
county treasurers of the several counties the number of birth, 26689
fetal death, death, and military service certificates registered 26690
from their respective counties with the names of the local 26691
registrars and the amounts due each registrar and health district 26692
at the rates fixed in this section. Such amounts shall be paid by 26693
the treasurer of the county in which the registration districts 26694
are located. No fees shall be charged or collected by registrars 26695
except as provided by this chapter and section 3109.14 of the 26696
Revised Code. 26697

(F) A probate judge shall be paid a fee of fifteen cents for 26698
each certified abstract of marriage prepared and forwarded by the 26699
probate judge to the department of health pursuant to section 26700
3705.21 of the Revised Code. The fee shall be in addition to the 26701
fee paid for a marriage license and shall be paid by the 26702
applicants for the license. 26703

(G) The clerk of a court of common pleas shall be paid a fee 26704
of one dollar for each certificate of divorce, dissolution, and 26705
annulment of marriage prepared and forwarded by the clerk to the 26706
department pursuant to section 3705.21 of the Revised Code. The 26707
fee for the certified abstract of divorce, dissolution, or 26708
annulment of marriage shall be added to the court costs allowed in 26709
these cases. 26710

(H) The fee for an heirloom certification of birth issued 26711

pursuant to division (B)(2) of section 3705.23 of the Revised Code 26712
shall be an amount prescribed by rule by the director of health 26713
plus any fee required by section 3109.14 of the Revised Code. In 26714
setting the amount of the fee, the director shall establish a 26715
surcharge in addition to an amount necessary to offset the expense 26716
of processing heirloom certifications of birth. The fee prescribed 26717
by the director of health pursuant to this division shall be 26718
deposited into the state treasury to the credit of the heirloom 26719
certification of birth fund which is hereby created. Money 26720
credited to the fund shall be used by the office of vital 26721
statistics to offset the expense of processing heirloom 26722
certifications of birth. However, the money collected for the 26723
surcharge, subject to the approval of the controlling board, shall 26724
be used for the purposes specified by the family and children 26725
first council pursuant to section 121.37 of the Revised Code. 26726

Sec. 3721.51. The department of job and family services shall 26727
do all of the following: 26728

(A) Subject to division (C) of this section and for the 26729
purposes specified in sections 3721.56 and 3721.561 of the Revised 26730
Code, determine an annual franchise permit fee on each nursing 26731
home in an amount equal to six dollars and twenty-five cents ~~for~~ 26732
~~fiscal years 2006 and 2007 and one dollar for each fiscal year~~ 26733
~~thereafter~~, multiplied by the product of the following: 26734

(1) The number of beds licensed as nursing home beds, plus 26735
any other beds certified as skilled nursing facility beds under 26736
Title XVIII or nursing facility beds under Title XIX on the first 26737
day of May of the calendar year in which the fee is determined 26738
pursuant to division (A) of section 3721.53 of the Revised Code; 26739

(2) The number of days in the fiscal year beginning on the 26740
first day of July of the calendar year in which the fee is 26741
determined pursuant to division (A) of section 3721.53 of the 26742

Revised Code. 26743

(B) Subject to division (C) of this section and for the 26744
purposes specified in sections 3721.56 and 3721.561 of the Revised 26745
Code, determine an annual franchise permit fee on each hospital in 26746
an amount equal to six dollars and twenty-five cents ~~for fiscal~~ 26747
~~years 2006 and 2007 and one dollar for each fiscal year~~ 26748
~~thereafter~~, multiplied by the product of the following: 26749

(1) The number of beds registered pursuant to section 3701.07 26750
of the Revised Code as skilled nursing facility beds or long-term 26751
care beds, plus any other beds licensed as nursing home beds under 26752
section 3721.02 or 3721.09 of the Revised Code, on the first day 26753
of May of the calendar year in which the fee is determined 26754
pursuant to division (A) of section 3721.53 of the Revised Code; 26755

(2) The number of days in the fiscal year beginning on the 26756
first day of July of the calendar year in which the fee is 26757
determined pursuant to division (A) of section 3721.53 of the 26758
Revised Code. 26759

(C) If the United States centers for medicare and medicaid 26760
services determines that the franchise permit fee established by 26761
sections 3721.50 to 3721.58 of the Revised Code is an 26762
impermissible health care related tax under section 1903(w) of the 26763
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 26764
amended, take all necessary actions to cease implementation of 26765
sections 3721.50 to 3721.58 of the Revised Code in accordance with 26766
rules adopted under section 3721.58 of the Revised Code. 26767

Sec. 3721.541. (A) In addition to assessing a penalty 26768
pursuant to section 3721.54 of the Revised Code, the department of 26769
job and family services may do either or both of the following if 26770
a nursing facility or hospital fails to pay the full amount of a 26771
franchise permit fee installment when due: 26772

(1) ~~Withhold~~ Offset an amount less than or equal to the 26773
installment and penalty assessed under section 3721.54 of the 26774
Revised Code from a medicaid payment due the nursing facility or 26775
hospital ~~until the nursing facility or hospital pays the~~ 26776
~~installment and penalty;~~ 26777

(2) Terminate the nursing facility or hospital's medicaid 26778
provider agreement. 26779

(B) The department may ~~withhold~~ offset a medicaid payment 26780
under division (A)(1) of this section without providing notice to 26781
the nursing facility or hospital and without conducting an 26782
adjudication under Chapter 119. of the Revised Code. 26783

Sec. 3721.56. There is hereby created in the state treasury 26784
the home- and community-based services for the aged fund. Sixteen 26785
per cent of all payments and penalties paid by nursing homes and 26786
hospitals under sections 3721.53 and 3721.54 of the Revised Code 26787
~~for fiscal years 2006 and 2007, and all such payments and~~ 26788
~~penalties paid for subsequent fiscal years,~~ shall be deposited 26789
into the fund. The departments of job and family services and 26790
aging shall use the moneys in the fund to fund the following in 26791
accordance with rules adopted under section 3721.58 of the Revised 26792
Code: 26793

(A) The medicaid program established under Chapter 5111. of 26794
the Revised Code, including the PASSPORT program established under 26795
section 173.40 of the Revised Code; 26796

(B) The residential state supplement program established 26797
under section 173.35 of the Revised Code. 26798

Sec. 3734.57. (A) The following fees are hereby levied on the 26799
transfer or disposal of solid wastes in this state: 26800

(1) One dollar per ton on and after July 1, 2003, through 26801
June 30, ~~2008~~ 2010, one-half of the proceeds of which shall be 26802

deposited in the state treasury to the credit of the hazardous waste facility management fund created in section 3734.18 of the Revised Code and one-half of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code;

(2) An additional one dollar per ton on and after July 1, 2003, through June 30, ~~2008~~ 2010, the proceeds of which shall be deposited in the state treasury to the credit of the solid waste fund, which is hereby created. The environmental protection agency shall use money in the solid waste fund to pay the costs of administering and enforcing the laws pertaining to solid wastes, infectious wastes, and construction and demolition debris, including, without limitation, ground water evaluations related to solid wastes, infectious wastes, and construction and demolition debris, under this chapter and Chapter 3714. of the Revised Code and any rules adopted under them, providing compliance assistance to small businesses, and paying a share of the administrative costs of the environmental protection agency pursuant to section 3745.014 of the Revised Code.

(3) An additional one dollar and fifty cents per ton on and after July 1, 2005, through June 30, ~~2008~~ 2010, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code.

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer

facility shall equal the total tonnage of solid wastes received at 26835
the facility multiplied by the fees levied under this division. In 26836
the case of solid wastes that are not taken to a solid waste 26837
transfer facility located in this state prior to being transported 26838
to a solid waste disposal facility, the fees shall be collected by 26839
the owner or operator of the solid waste disposal facility as a 26840
trustee for the state. The amount of fees required to be collected 26841
under this division at such a disposal facility shall equal the 26842
total tonnage of solid wastes received at the facility that was 26843
not previously taken to a solid waste transfer facility located in 26844
this state multiplied by the fees levied under this division. Fees 26845
levied under this division do not apply to materials separated 26846
from a mixed waste stream for recycling by a generator or 26847
materials removed from the solid waste stream through recycling, 26848
as "recycling" is defined in rules adopted under section 3734.02 26849
of the Revised Code. 26850

The owner or operator of a solid waste transfer facility or 26851
disposal facility, as applicable, shall prepare and file with the 26852
director of environmental protection each month a return 26853
indicating the total tonnage of solid wastes received at the 26854
facility during that month and the total amount of the fees 26855
required to be collected under this division during that month. In 26856
addition, the owner or operator of a solid waste disposal facility 26857
shall indicate on the return the total tonnage of solid wastes 26858
received from transfer facilities located in this state during 26859
that month for which the fees were required to be collected by the 26860
transfer facilities. The monthly returns shall be filed on a form 26861
prescribed by the director. Not later than thirty days after the 26862
last day of the month to which a return applies, the owner or 26863
operator shall mail to the director the return for that month 26864
together with the fees required to be collected under this 26865
division during that month as indicated on the return. If the 26866
return is filed and the amount of the fees due is paid in a timely 26867

manner as required in this division, the owner or operator may 26868
retain a discount of three-fourths of one per cent of the total 26869
amount of the fees that are required to be paid as indicated on 26870
the return. 26871

The owner or operator may request an extension of not more 26872
than thirty days for filing the return and remitting the fees, 26873
provided that the owner or operator has submitted such a request 26874
in writing to the director together with a detailed description of 26875
why the extension is requested, the director has received the 26876
request not later than the day on which the return is required to 26877
be filed, and the director has approved the request. If the fees 26878
are not remitted within thirty days after the last day of the 26879
month to which the return applies or are not remitted by the last 26880
day of an extension approved by the director, the owner or 26881
operator shall not retain the three-fourths of one per cent 26882
discount and shall pay an additional ten per cent of the amount of 26883
the fees for each month that they are late. For purposes of 26884
calculating the late fee, the first month in which fees are late 26885
begins on the first day after the deadline has passed for timely 26886
submitting the return and fees, and one additional month shall be 26887
counted every thirty days thereafter. 26888

The owner or operator of a solid waste facility may request a 26889
refund or credit of fees levied under this division and remitted 26890
to the director that have not been paid to the owner or operator. 26891
Such a request shall be made only if the fees have not been 26892
collected by the owner or operator, have become a debt that has 26893
become worthless or uncollectable for a period of six months or 26894
more, and may be claimed as a deduction, including a deduction 26895
claimed if the owner or operator keeps accounts on an accrual 26896
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 26897
U.S.C. 166, as amended, and regulations adopted under it. Prior to 26898
making a request for a refund or credit, an owner or operator 26899

shall make reasonable efforts to collect the applicable fees. A 26900
request for a refund or credit shall not include any costs 26901
resulting from those efforts to collect unpaid fees. 26902

A request for a refund or credit of fees shall be made in 26903
writing, on a form prescribed by the director, and shall be 26904
supported by evidence that may be required in rules adopted by the 26905
director under this chapter. After reviewing the request, and if 26906
the request and evidence submitted with the request indicate that 26907
a refund or credit is warranted, the director shall grant a refund 26908
to the owner or operator or shall permit a credit to be taken by 26909
the owner or operator on a subsequent monthly return submitted by 26910
the owner or operator. The amount of a refund or credit shall not 26911
exceed an amount that is equal to ninety days' worth of fees owed 26912
to an owner or operator by a particular debtor of the owner or 26913
operator. A refund or credit shall not be granted by the director 26914
to an owner or operator more than once in any twelve-month period 26915
for fees owed to the owner or operator by a particular debtor. 26916

If, after receiving a refund or credit from the director, an 26917
owner or operator receives payment of all or part of the fees, the 26918
owner or operator shall remit the fees with the next monthly 26919
return submitted to the director together with a written 26920
explanation of the reason for the submittal. 26921

For purposes of computing the fees levied under this division 26922
or division (B) of this section, any solid waste transfer or 26923
disposal facility that does not use scales as a means of 26924
determining gate receipts shall use a conversion factor of three 26925
cubic yards per ton of solid waste or one cubic yard per ton for 26926
baled waste, as applicable. 26927

The fees levied under this division and divisions (B) and (C) 26928
of this section are in addition to all other applicable fees and 26929
taxes and shall be paid by the customer or a political subdivision 26930
to the owner or operator of a solid waste transfer or disposal 26931

facility notwithstanding the existence of any provision in a 26932
contract that the customer or a political subdivision may have 26933
with the owner or operator or with a transporter of waste to the 26934
facility that would not require or allow such payment. 26935

(B) For the purposes specified in division (G) of this 26936
section, the solid waste management policy committee of a county 26937
or joint solid waste management district may levy fees upon the 26938
following activities: 26939

(1) The disposal at a solid waste disposal facility located 26940
in the district of solid wastes generated within the district; 26941

(2) The disposal at a solid waste disposal facility within 26942
the district of solid wastes generated outside the boundaries of 26943
the district, but inside this state; 26944

(3) The disposal at a solid waste disposal facility within 26945
the district of solid wastes generated outside the boundaries of 26946
this state. 26947

The solid waste management plan of the county or joint 26948
district approved under section 3734.521 or 3734.55 of the Revised 26949
Code and any amendments to it, or the resolution adopted under 26950
this division, as appropriate, shall establish the rates of the 26951
fees levied under divisions (B)(1), (2), and (3) of this section, 26952
if any, and shall specify whether the fees are levied on the basis 26953
of tons or cubic yards as the unit of measurement. A solid waste 26954
management district that levies fees under this division on the 26955
basis of cubic yards shall do so in accordance with division (A) 26956
of this section. 26957

The fee levied under division (B)(1) of this section shall be 26958
not less than one dollar per ton nor more than two dollars per 26959
ton, the fee levied under division (B)(2) of this section shall be 26960
not less than two dollars per ton nor more than four dollars per 26961
ton, and the fee levied under division (B)(3) of this section 26962

shall be not more than the fee levied under division (B)(1) of 26963
this section. 26964

Prior to the approval of the solid waste management plan of a 26965
district under section 3734.55 of the Revised Code, the solid 26966
waste management policy committee of a district may levy fees 26967
under this division by adopting a resolution establishing the 26968
proposed amount of the fees. Upon adopting the resolution, the 26969
committee shall deliver a copy of the resolution to the board of 26970
county commissioners of each county forming the district and to 26971
the legislative authority of each municipal corporation and 26972
township under the jurisdiction of the district and shall prepare 26973
and publish the resolution and a notice of the time and location 26974
where a public hearing on the fees will be held. Upon adopting the 26975
resolution, the committee shall deliver written notice of the 26976
adoption of the resolution; of the amount of the proposed fees; 26977
and of the date, time, and location of the public hearing to the 26978
director and to the fifty industrial, commercial, or institutional 26979
generators of solid wastes within the district that generate the 26980
largest quantities of solid wastes, as determined by the 26981
committee, and to their local trade associations. The committee 26982
shall make good faith efforts to identify those generators within 26983
the district and their local trade associations, but the 26984
nonprovision of notice under this division to a particular 26985
generator or local trade association does not invalidate the 26986
proceedings under this division. The publication shall occur at 26987
least thirty days before the hearing. After the hearing, the 26988
committee may make such revisions to the proposed fees as it 26989
considers appropriate and thereafter, by resolution, shall adopt 26990
the revised fee schedule. Upon adopting the revised fee schedule, 26991
the committee shall deliver a copy of the resolution doing so to 26992
the board of county commissioners of each county forming the 26993
district and to the legislative authority of each municipal 26994
corporation and township under the jurisdiction of the district. 26995

Within sixty days after the delivery of a copy of the resolution 26996
adopting the proposed revised fees by the policy committee, each 26997
such board and legislative authority, by ordinance or resolution, 26998
shall approve or disapprove the revised fees and deliver a copy of 26999
the ordinance or resolution to the committee. If any such board or 27000
legislative authority fails to adopt and deliver to the policy 27001
committee an ordinance or resolution approving or disapproving the 27002
revised fees within sixty days after the policy committee 27003
delivered its resolution adopting the proposed revised fees, it 27004
shall be conclusively presumed that the board or legislative 27005
authority has approved the proposed revised fees. The committee 27006
shall determine if the resolution has been ratified in the same 27007
manner in which it determines if a draft solid waste management 27008
plan has been ratified under division (B) of section 3734.55 of 27009
the Revised Code. 27010

The committee may amend the schedule of fees levied pursuant 27011
to a resolution adopted and ratified under this division by 27012
adopting a resolution establishing the proposed amount of the 27013
amended fees. The committee may repeal the fees levied pursuant to 27014
such a resolution by adopting a resolution proposing to repeal 27015
them. Upon adopting such a resolution, the committee shall proceed 27016
to obtain ratification of the resolution in accordance with this 27017
division. 27018

Not later than fourteen days after declaring the new fees to 27019
be ratified or the fees to be repealed under this division, the 27020
committee shall notify by certified mail the owner or operator of 27021
each solid waste disposal facility that is required to collect the 27022
fees of the ratification and the amount of the fees or of the 27023
repeal of the fees. Collection of any fees shall commence or 27024
collection of repealed fees shall cease on the first day of the 27025
second month following the month in which notification is sent to 27026
the owner or operator. 27027

Fees levied under this division also may be established, 27028
amended, or repealed by a solid waste management policy committee 27029
through the adoption of a new district solid waste management 27030
plan, the adoption of an amended plan, or the amendment of the 27031
plan or amended plan in accordance with sections 3734.55 and 27032
3734.56 of the Revised Code or the adoption or amendment of a 27033
district plan in connection with a change in district composition 27034
under section 3734.521 of the Revised Code. 27035

Not later than fourteen days after the director issues an 27036
order approving a district's solid waste management plan, amended 27037
plan, or amendment to a plan or amended plan that establishes, 27038
amends, or repeals a schedule of fees levied by the district, the 27039
committee shall notify by certified mail the owner or operator of 27040
each solid waste disposal facility that is required to collect the 27041
fees of the approval of the plan or amended plan, or the amendment 27042
to the plan, as appropriate, and the amount of the fees, if any. 27043
In the case of an initial or amended plan approved under section 27044
3734.521 of the Revised Code in connection with a change in 27045
district composition, other than one involving the withdrawal of a 27046
county from a joint district, the committee, within fourteen days 27047
after the change takes effect pursuant to division (G) of that 27048
section, shall notify by certified mail the owner or operator of 27049
each solid waste disposal facility that is required to collect the 27050
fees that the change has taken effect and of the amount of the 27051
fees, if any. Collection of any fees shall commence or collection 27052
of repealed fees shall cease on the first day of the second month 27053
following the month in which notification is sent to the owner or 27054
operator. 27055

If, in the case of a change in district composition involving 27056
the withdrawal of a county from a joint district, the director 27057
completes the actions required under division (G)(1) or (3) of 27058
section 3734.521 of the Revised Code, as appropriate, forty-five 27059

days or more before the beginning of a calendar year, the policy 27060
committee of each of the districts resulting from the change that 27061
obtained the director's approval of an initial or amended plan in 27062
connection with the change, within fourteen days after the 27063
director's completion of the required actions, shall notify by 27064
certified mail the owner or operator of each solid waste disposal 27065
facility that is required to collect the district's fees that the 27066
change is to take effect on the first day of January immediately 27067
following the issuance of the notice and of the amount of the fees 27068
or amended fees levied under divisions (B)(1) to (3) of this 27069
section pursuant to the district's initial or amended plan as so 27070
approved or, if appropriate, the repeal of the district's fees by 27071
that initial or amended plan. Collection of any fees set forth in 27072
such a plan or amended plan shall commence on the first day of 27073
January immediately following the issuance of the notice. If such 27074
an initial or amended plan repeals a schedule of fees, collection 27075
of the fees shall cease on that first day of January. 27076

If, in the case of a change in district composition involving 27077
the withdrawal of a county from a joint district, the director 27078
completes the actions required under division (G)(1) or (3) of 27079
section 3734.521 of the Revised Code, as appropriate, less than 27080
forty-five days before the beginning of a calendar year, the 27081
director, on behalf of each of the districts resulting from the 27082
change that obtained the director's approval of an initial or 27083
amended plan in connection with the change proceedings, shall 27084
notify by certified mail the owner or operator of each solid waste 27085
disposal facility that is required to collect the district's fees 27086
that the change is to take effect on the first day of January 27087
immediately following the mailing of the notice and of the amount 27088
of the fees or amended fees levied under divisions (B)(1) to (3) 27089
of this section pursuant to the district's initial or amended plan 27090
as so approved or, if appropriate, the repeal of the district's 27091
fees by that initial or amended plan. Collection of any fees set 27092

forth in such a plan or amended plan shall commence on the first 27093
day of the second month following the month in which notification 27094
is sent to the owner or operator. If such an initial or amended 27095
plan repeals a schedule of fees, collection of the fees shall 27096
cease on the first day of the second month following the month in 27097
which notification is sent to the owner or operator. 27098

If the schedule of fees that a solid waste management 27099
district is levying under divisions (B)(1) to (3) of this section 27100
is amended or repealed, the fees in effect immediately prior to 27101
the amendment or repeal shall continue to be collected until 27102
collection of the amended fees commences or collection of the 27103
repealed fees ceases, as applicable, as specified in this 27104
division. In the case of a change in district composition, money 27105
so received from the collection of the fees of the former 27106
districts shall be divided among the resulting districts in 27107
accordance with division (B) of section 343.012 of the Revised 27108
Code and the agreements entered into under division (B) of section 27109
343.01 of the Revised Code to establish the former and resulting 27110
districts and any amendments to those agreements. 27111

For the purposes of the provisions of division (B) of this 27112
section establishing the times when newly established or amended 27113
fees levied by a district are required to commence and the 27114
collection of fees that have been amended or repealed is required 27115
to cease, "fees" or "schedule of fees" includes, in addition to 27116
fees levied under divisions (B)(1) to (3) of this section, those 27117
levied under section 3734.573 or 3734.574 of the Revised Code. 27118

(C) For the purposes of defraying the added costs to a 27119
municipal corporation or township of maintaining roads and other 27120
public facilities and of providing emergency and other public 27121
services, and compensating a municipal corporation or township for 27122
reductions in real property tax revenues due to reductions in real 27123
property valuations resulting from the location and operation of a 27124

solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992,

shall commence on the first day of the second month following the 27157
month in which notification is sent to the owner or operator. 27158

(D)(1) The fees levied under divisions (A), (B), and (C) of 27159
this section do not apply to the disposal of solid wastes that: 27160

(a) Are disposed of at a facility owned by the generator of 27161
the wastes when the solid waste facility exclusively disposes of 27162
solid wastes generated at one or more premises owned by the 27163
generator regardless of whether the facility is located on a 27164
premises where the wastes are generated; 27165

(b) Are disposed of at facilities that exclusively dispose of 27166
wastes that are generated from the combustion of coal, or from the 27167
combustion of primarily coal in combination with scrap tires, that 27168
is not combined in any way with garbage at one or more premises 27169
owned by the generator. 27170

(2) Except as provided in section 3734.571 of the Revised 27171
Code, any fees levied under division (B)(1) of this section apply 27172
to solid wastes originating outside the boundaries of a county or 27173
joint district that are covered by an agreement for the joint use 27174
of solid waste facilities entered into under section 343.02 of the 27175
Revised Code by the board of county commissioners or board of 27176
directors of the county or joint district where the wastes are 27177
generated and disposed of. 27178

(3) When solid wastes, other than solid wastes that consist 27179
of scrap tires, are burned in a disposal facility that is an 27180
incinerator or energy recovery facility, the fees levied under 27181
divisions (A), (B), and (C) of this section shall be levied upon 27182
the disposal of the fly ash and bottom ash remaining after burning 27183
of the solid wastes and shall be collected by the owner or 27184
operator of the sanitary landfill where the ash is disposed of. 27185

(4) When solid wastes are delivered to a solid waste transfer 27186
facility, the fees levied under divisions (B) and (C) of this 27187

section shall be levied upon the disposal of solid wastes 27188
transported off the premises of the transfer facility for disposal 27189
and shall be collected by the owner or operator of the solid waste 27190
disposal facility where the wastes are disposed of. 27191

(5) The fees levied under divisions (A), (B), and (C) of this 27192
section do not apply to sewage sludge that is generated by a waste 27193
water treatment facility holding a national pollutant discharge 27194
elimination system permit and that is disposed of through 27195
incineration, land application, or composting or at another 27196
resource recovery or disposal facility that is not a landfill. 27197

(6) The fees levied under divisions (A), (B), and (C) of this 27198
section do not apply to solid wastes delivered to a solid waste 27199
composting facility for processing. When any unprocessed solid 27200
waste or compost product is transported off the premises of a 27201
composting facility and disposed of at a landfill, the fees levied 27202
under divisions (A), (B), and (C) of this section shall be 27203
collected by the owner or operator of the landfill where the 27204
unprocessed waste or compost product is disposed of. 27205

(7) When solid wastes that consist of scrap tires are 27206
processed at a scrap tire recovery facility, the fees levied under 27207
divisions (A), (B), and (C) of this section shall be levied upon 27208
the disposal of the fly ash and bottom ash or other solid wastes 27209
remaining after the processing of the scrap tires and shall be 27210
collected by the owner or operator of the solid waste disposal 27211
facility where the ash or other solid wastes are disposed of. 27212

(8) The director of environmental protection may issue an 27213
order exempting from the fees levied under this section solid 27214
wastes, including, but not limited to, scrap tires, that are 27215
generated, transferred, or disposed of as a result of a contract 27216
providing for the expenditure of public funds entered into by the 27217
administrator or regional administrator of the United States 27218
environmental protection agency, the director of environmental 27219

protection, or the director of administrative services on behalf 27220
of the director of environmental protection for the purpose of 27221
remediating conditions at a hazardous waste facility, solid waste 27222
facility, or other location at which the administrator or regional 27223
administrator or the director of environmental protection has 27224
reason to believe that there is a substantial threat to public 27225
health or safety or the environment or that the conditions are 27226
causing or contributing to air or water pollution or soil 27227
contamination. An order issued by the director of environmental 27228
protection under division (D)(8) of this section shall include a 27229
determination that the amount of the fees not received by a solid 27230
waste management district as a result of the order will not 27231
adversely impact the implementation and financing of the 27232
district's approved solid waste management plan and any approved 27233
amendments to the plan. Such an order is a final action of the 27234
director of environmental protection. 27235

(E) The fees levied under divisions (B) and (C) of this 27236
section shall be collected by the owner or operator of the solid 27237
waste disposal facility where the wastes are disposed of as a 27238
trustee for the county or joint district and municipal corporation 27239
or township where the wastes are disposed of. Moneys from the fees 27240
levied under division (B) of this section shall be forwarded to 27241
the board of county commissioners or board of directors of the 27242
district in accordance with rules adopted under division (H) of 27243
this section. Moneys from the fees levied under division (C) of 27244
this section shall be forwarded to the treasurer or such other 27245
officer of the municipal corporation as, by virtue of the charter, 27246
has the duties of the treasurer or to the fiscal officer of the 27247
township, as appropriate, in accordance with those rules. 27248

(F) Moneys received by the treasurer or other officer of the 27249
municipal corporation under division (E) of this section shall be 27250
paid into the general fund of the municipal corporation. Moneys 27251

received by the fiscal officer of the township under that division 27252
shall be paid into the general fund of the township. The treasurer 27253
or other officer of the municipal corporation or the township 27254
fiscal officer, as appropriate, shall maintain separate records of 27255
the moneys received from the fees levied under division (C) of 27256
this section. 27257

(G) Moneys received by the board of county commissioners or 27258
board of directors under division (E) of this section or section 27259
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 27260
shall be paid to the county treasurer, or other official acting in 27261
a similar capacity under a county charter, in a county district or 27262
to the county treasurer or other official designated by the board 27263
of directors in a joint district and kept in a separate and 27264
distinct fund to the credit of the district. If a regional solid 27265
waste management authority has been formed under section 343.011 27266
of the Revised Code, moneys received by the board of trustees of 27267
that regional authority under division (E) of this section shall 27268
be kept by the board in a separate and distinct fund to the credit 27269
of the district. Moneys in the special fund of the county or joint 27270
district arising from the fees levied under division (B) of this 27271
section and the fee levied under division (A) of section 3734.573 27272
of the Revised Code shall be expended by the board of county 27273
commissioners or directors of the district in accordance with the 27274
district's solid waste management plan or amended plan approved 27275
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 27276
exclusively for the following purposes: 27277

(1) Preparation of the solid waste management plan of the 27278
district under section 3734.54 of the Revised Code, monitoring 27279
implementation of the plan, and conducting the periodic review and 27280
amendment of the plan required by section 3734.56 of the Revised 27281
Code by the solid waste management policy committee; 27282

(2) Implementation of the approved solid waste management 27283

plan or amended plan of the district, including, without	27284
limitation, the development and implementation of solid waste	27285
recycling or reduction programs;	27286
(3) Providing financial assistance to boards of health within	27287
the district, if solid waste facilities are located within the	27288
district, for enforcement of this chapter and rules, orders, and	27289
terms and conditions of permits, licenses, and variances adopted	27290
or issued under it, other than the hazardous waste provisions of	27291
this chapter and rules adopted and orders and terms and conditions	27292
of permits issued under those provisions;	27293
(4) Providing financial assistance to each county within the	27294
district to defray the added costs of maintaining roads and other	27295
public facilities and of providing emergency and other public	27296
services resulting from the location and operation of a solid	27297
waste facility within the county under the district's approved	27298
solid waste management plan or amended plan;	27299
(5) Pursuant to contracts entered into with boards of health	27300
within the district, if solid waste facilities contained in the	27301
district's approved plan or amended plan are located within the	27302
district, for paying the costs incurred by those boards of health	27303
for collecting and analyzing samples from public or private water	27304
wells on lands adjacent to those facilities;	27305
(6) Developing and implementing a program for the inspection	27306
of solid wastes generated outside the boundaries of this state	27307
that are disposed of at solid waste facilities included in the	27308
district's approved solid waste management plan or amended plan;	27309
(7) Providing financial assistance to boards of health within	27310
the district for the enforcement of section 3734.03 of the Revised	27311
Code or to local law enforcement agencies having jurisdiction	27312
within the district for enforcing anti-littering laws and	27313
ordinances;	27314

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid

waste management policy committee by resolution. 27347

Notwithstanding division (G)(6) of this section as it existed 27348
prior to October 29, 1993, or any provision in a district's solid 27349
waste management plan prepared in accordance with division 27350
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 27351
prior to that date, any moneys arising from the fees levied under 27352
division (B)(3) of this section prior to January 1, 1994, may be 27353
expended for any of the purposes authorized in divisions (G)(1) to 27354
(10) of this section. 27355

(H) The director shall adopt rules in accordance with Chapter 27356
119. of the Revised Code prescribing procedures for collecting and 27357
forwarding the fees levied under divisions (B) and (C) of this 27358
section to the boards of county commissioners or directors of 27359
county or joint solid waste management districts and to the 27360
treasurers or other officers of municipal corporations and the 27361
fiscal officers of townships. The rules also shall prescribe the 27362
dates for forwarding the fees to the boards and officials and may 27363
prescribe any other requirements the director considers necessary 27364
or appropriate to implement and administer divisions (A), (B), and 27365
(C) of this section. 27366

Sec. 3735.672. (A) On or before the thirty-first day of March 27367
each year, a legislative authority that has entered into an 27368
agreement with a party under section 3735.671 of the Revised Code 27369
shall submit to the director of development and the board of 27370
education of each school district of which a municipal corporation 27371
or township to which such an agreement applies is a part a report 27372
on all such agreements in effect during the preceding calendar 27373
year. The report shall include the following information: 27374

(1) The designation, assigned by the director of development, 27375
of each community reinvestment area within the municipal 27376
corporation or county, and the total population of each area 27377

according to the most recent data available; 27378

(2) The number of agreements and the number of full-time 27379
employees subject to those agreements within each area, each 27380
according to the most recent data available and identified and 27381
categorized by the appropriate standard industrial code, and the 27382
rate of unemployment in the municipal corporation or county in 27383
which the area is located for each year since the area was 27384
certified; 27385

(3) The number of agreements approved and executed during the 27386
calendar year for which the report is submitted, the total number 27387
of agreements in effect on the thirty-first day of December of the 27388
preceding calendar year, the number of agreements that expired 27389
during the calendar year for which the report is submitted, and 27390
the number of agreements scheduled to expire during the calendar 27391
year in which the report is submitted. For each agreement that 27392
expired during the calendar year for which the report is 27393
submitted, the legislative authority shall include the amount of 27394
taxes exempted under the agreement. 27395

(4) The number of agreements receiving compliance reviews by 27396
the tax incentive review council in the municipal corporation or 27397
county during the calendar year for which the report is submitted, 27398
including all of the following information: 27399

(a) The number of agreements the terms of which the party has 27400
complied with, indicating separately for each such agreement the 27401
value of the real property exempted pursuant to the agreement and 27402
a comparison of the stipulated and actual schedules for hiring new 27403
employees, for retaining existing employees, and for the amount of 27404
payroll of the party attributable to these employees; 27405

(b) The number of agreements the terms of which a party has 27406
failed to comply with, indicating separately for each such 27407
agreement the value of the real and personal property exempted 27408

pursuant to the agreement and a comparison of the stipulated and 27409
actual schedules for hiring new employees, for retaining existing 27410
employees, and for the amount of payroll of the enterprise 27411
attributable to these employees; 27412

(c) The number of agreements about which the tax incentive 27413
review council made recommendations to the legislative authority, 27414
and the number of such recommendations that have not been 27415
followed; 27416

(d) The number of agreements rescinded during the calendar 27417
year for which the report is submitted. 27418

(5) The number of parties subject to agreements that expanded 27419
within each area, including the number of new employees hired and 27420
existing employees retained by that party, and the number of new 27421
parties subject to agreements that established within each area, 27422
including the number of new employees hired by each party; 27423

(6) For each agreement in effect during any part of the 27424
preceding year, the number of employees employed by the party at 27425
the property that is the subject of the agreement immediately 27426
prior to formal approval of the agreement, the number of employees 27427
employed by the party at that property on the thirty-first day of 27428
December of the preceding year, the payroll of the party for the 27429
preceding year, the amount of taxes paid on real property that was 27430
exempted under the agreement, and the amount of such taxes that 27431
were not paid because of the exemption. 27432

(B) Upon the failure of a municipal corporation or county to 27433
comply with division (A) of this section: 27434

(1) Beginning on the first day of April of the calendar year 27435
in which the municipal corporation or county fails to comply with 27436
that division, the municipal corporation or county shall not enter 27437
into any agreements under section 3735.671 of the Revised Code 27438
until the municipal corporation or county has complied with 27439

division (A) of this section. 27440

(2) On the first day of each ensuing calendar month until the 27441
municipal corporation or county complies with that division, the 27442
director of development shall either order the proper county 27443
auditor to deduct from the next succeeding payment of taxes to the 27444
municipal corporation or county under section 321.31, 321.32, 27445
321.33, or 321.34 of the Revised Code an amount equal to five 27446
hundred dollars for each calendar month the municipal corporation 27447
or county fails to comply with that division, or order the county 27448
auditor to deduct such an amount from the next succeeding payment 27449
to the municipal corporation or county from the undivided local 27450
~~government~~ communities fund under section 5747.51 of the Revised 27451
Code. At the time such a payment is made, the county auditor shall 27452
comply with the director's order by issuing a warrant, drawn on 27453
the fund from which such money would have been paid, to the 27454
director of development, who shall deposit the warrant into the 27455
state community reinvestment area program administration fund 27456
created in division (C) of this section. 27457

(C) The director, by rule, shall establish the state's 27458
application fee for applications submitted to a municipal 27459
corporation or county to enter into an agreement under section 27460
3735.671 of the Revised Code. In establishing the amount of the 27461
fee, the director shall consider the state's cost of administering 27462
the community reinvestment area program, including the cost of 27463
reviewing the reports required under division (A) of this section. 27464
The director may change the amount of the fee at such times and in 27465
such increments as ~~he~~ the director considers necessary. Any 27466
municipal corporation or county that receives an application shall 27467
collect the application fee and remit the fee for deposit in the 27468
state treasury to the credit of the ~~state community reinvestment~~ 27469
~~area program administration fund, which is hereby created. Money~~ 27470
~~credited to the fund shall be used by the department of~~ 27471

~~development to pay the costs of administering the community 27472~~
~~reinvestment area program, including the cost of reviewing the 27473~~
~~reports required under division (A) of this section tax incentive 27474~~
~~programs operating fund created in section 122.174 of the Revised 27475~~
~~Code. 27476~~

Sec. 3745.11. (A) Applicants for and holders of permits, 27477
licenses, variances, plan approvals, and certifications issued by 27478
the director of environmental protection pursuant to Chapters 27479
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 27480
to the environmental protection agency for each such issuance and 27481
each application for an issuance as provided by this section. No 27482
fee shall be charged for any issuance for which no application has 27483
been submitted to the director. 27484

(B) Each person who is issued a permit to install prior to 27485
July 1, 2003, pursuant to rules adopted under division (F) of 27486
section 3704.03 of the Revised Code shall pay the fees specified 27487
in the following schedules: 27488

(1) Fuel-burning equipment (boilers) 27489
Input capacity (maximum) 27490
(million British thermal units per hour) Permit to install 27491
Greater than 0, but less than 10 \$ 200 27492
10 or more, but less than 100 400 27493
100 or more, but less than 300 800 27494
300 or more, but less than 500 1500 27495
500 or more, but less than 1000 2500 27496
1000 or more, but less than 5000 4000 27497
5000 or more 6000 27498

Units burning exclusively natural gas, number two fuel oil, 27499
or both shall be assessed a fee that is one-half of the applicable 27500
amount established in division (F)(1) of this section. 27501

(2) Incinerators 27502

Input capacity (pounds per hour)	Permit to install	27503
0 to 100	\$ 100	27504
101 to 500	400	27505
501 to 2000	750	27506
2001 to 20,000	1000	27507
more than 20,000	2500	27508
(3)(a) Process		27509
Process weight rate (pounds per hour)	Permit to install	27510
0 to 1000	\$ 200	27511
1001 to 5000	400	27512
5001 to 10,000	600	27513
10,001 to 50,000	800	27514
more than 50,000	1000	27515
In any process where process weight rate cannot be		27516
ascertained, the minimum fee shall be assessed.		27517
(b) Notwithstanding division (B)(3)(a) of this section, any		27518
person issued a permit to install pursuant to rules adopted under		27519
division (F) of section 3704.03 of the Revised Code shall pay the		27520
fees established in division (B)(3)(c) of this section for a		27521
process used in any of the following industries, as identified by		27522
the applicable four-digit standard industrial classification code		27523
according to the Standard Industrial Classification Manual		27524
published by the United States office of management and budget in		27525
the executive office of the president, 1972, as revised:		27526
1211 Bituminous coal and lignite mining;		27527
1213 Bituminous coal and lignite mining services;		27528
1411 Dimension stone;		27529
1422 Crushed and broken limestone;		27530
1427 Crushed and broken stone, not elsewhere classified;		27531
1442 Construction sand and gravel;		27532

1446 Industrial sand;		27533
3281 Cut stone and stone products;		27534
3295 Minerals and earth, ground or otherwise treated.		27535
(c) The fees established in the following schedule apply to		27536
the issuance of a permit to install pursuant to rules adopted		27537
under division (F) of section 3704.03 of the Revised Code for a		27538
process listed in division (B)(3)(b) of this section:		27539
Process weight rate (pounds per hour)	Permit to install	27540
0 to 1000	\$ 200	27541
10,001 to 50,000	300	27542
50,001 to 100,000	400	27543
100,001 to 200,000	500	27544
200,001 to 400,000	600	27545
400,001 or more	700	27546
(4) Storage tanks		27547
Gallons (maximum useful capacity)	Permit to install	27548
0 to 20,000	\$ 100	27549
20,001 to 40,000	150	27550
40,001 to 100,000	200	27551
100,001 to 250,000	250	27552
250,001 to 500,000	350	27553
500,001 to 1,000,000	500	27554
1,000,001 or greater	750	27555
(5) Gasoline/fuel dispensing facilities		27556
For each gasoline/fuel dispensing	Permit to install	27557
facility	\$ 100	27558
(6) Dry cleaning facilities		27559
For each dry cleaning facility	Permit to install	27560
(includes all units at the facility)	\$ 100	27561
(7) Registration status		27562

For each source covered Permit to install 27563
by registration status \$ 75 27564

(C)(1) Except as otherwise provided in division (C)(2) of 27565
this section, beginning July 1, 1994, each person who owns or 27566
operates an air contaminant source and who is required to apply 27567
for and obtain a Title V permit under section 3704.036 of the 27568
Revised Code shall pay the fees set forth in division (C)(1) of 27569
this section. For the purposes of that division, total emissions 27570
of air contaminants may be calculated using engineering 27571
calculations, emissions factors, material balance calculations, or 27572
performance testing procedures, as authorized by the director. 27573

The following fees shall be assessed on the total actual 27574
emissions from a source in tons per year of the regulated 27575
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 27576
organic compounds, and lead: 27577

(a) Fifteen dollars per ton on the total actual emissions of 27578
each such regulated pollutant during the period July through 27579
December 1993, to be collected no sooner than July 1, 1994; 27580

(b) Twenty dollars per ton on the total actual emissions of 27581
each such regulated pollutant during calendar year 1994, to be 27582
collected no sooner than April 15, 1995; 27583

(c) Twenty-five dollars per ton on the total actual emissions 27584
of each such regulated pollutant in calendar year 1995, and each 27585
subsequent calendar year, to be collected no sooner than the 27586
fifteenth day of April of the year next succeeding the calendar 27587
year in which the emissions occurred. 27588

The fees levied under division (C)(1) of this section do not 27589
apply to that portion of the emissions of a regulated pollutant at 27590
a facility that exceed four thousand tons during a calendar year. 27591

(2) The fees assessed under division (C)(1) of this section 27592
are for the purpose of providing funding for the Title V permit 27593

program. 27594

(3) The fees assessed under division (C)(1) of this section 27595
do not apply to emissions from any electric generating unit 27596
designated as a Phase I unit under Title IV of the federal Clean 27597
Air Act prior to calendar year 2000. Those fees shall be assessed 27598
on the emissions from such a generating unit commencing in 27599
calendar year 2001 based upon the total actual emissions from the 27600
generating unit during calendar year 2000 and shall continue to be 27601
assessed each subsequent calendar year based on the total actual 27602
emissions from the generating unit during the preceding calendar 27603
year. 27604

(4) The director shall issue invoices to owners or operators 27605
of air contaminant sources who are required to pay a fee assessed 27606
under division (C) or (D) of this section. Any such invoice shall 27607
be issued no sooner than the applicable date when the fee first 27608
may be collected in a year under the applicable division, shall 27609
identify the nature and amount of the fee assessed, and shall 27610
indicate that the fee is required to be paid within thirty days 27611
after the issuance of the invoice. 27612

(D)(1) Except as provided in division (D)(3) of this section, 27613
from January 1, 1994, through December 31, 2003, each person who 27614
owns or operates an air contaminant source; who is required to 27615
apply for a permit to operate pursuant to rules adopted under 27616
division (G), or a variance pursuant to division (H), of section 27617
3704.03 of the Revised Code; and who is not required to apply for 27618
and obtain a Title V permit under section 3704.036 of the Revised 27619
Code shall pay a single fee based upon the sum of the actual 27620
annual emissions from the facility of the regulated pollutants 27621
particulate matter, sulfur dioxide, nitrogen oxides, organic 27622
compounds, and lead in accordance with the following schedule: 27623

Total tons per year 27624

of regulated pollutants Annual fee 27625

emitted	per facility	27626
More than 0, but less than 50	\$ 75	27627
50 or more, but less than 100	300	27628
100 or more	700	27629

(2) Except as provided in division (D)(3) of this section, 27630
beginning January 1, 2004, each person who owns or operates an air 27631
contaminant source; who is required to apply for a permit to 27632
operate pursuant to rules adopted under division (G), or a 27633
variance pursuant to division (H), of section 3704.03 of the 27634
Revised Code; and who is not required to apply for and obtain a 27635
Title V permit under section 3704.03 of the Revised Code shall pay 27636
a single fee based upon the sum of the actual annual emissions 27637
from the facility of the regulated pollutants particulate matter, 27638
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 27639
accordance with the following schedule: 27640

Total tons per year		27641
of regulated pollutants	Annual fee	27642
emitted	per facility	27643
More than 0, but less than 10	\$ 100	27644
10 or more, but less than 50	200	27645
50 or more, but less than 100	300	27646
100 or more	700	27647

(3)(a) As used in division (D) of this section, "synthetic 27648
minor facility" means a facility for which one or more permits to 27649
install or permits to operate have been issued for the air 27650
contaminant sources at the facility that include terms and 27651
conditions that lower the facility's potential to emit air 27652
contaminants below the major source thresholds established in 27653
rules adopted under section 3704.036 of the Revised Code. 27654

(b) Beginning January 1, 2000, through June 30, ~~2008~~ 2010, 27655
each person who owns or operates a synthetic minor facility shall 27656
pay an annual fee based on the sum of the actual annual emissions 27657

from the facility of particulate matter, sulfur dioxide, nitrogen	27658	
dioxide, organic compounds, and lead in accordance with the	27659	
following schedule:	27660	
Combined total tons	27661	
per year of all regulated	Annual fee	27662
pollutants emitted	per facility	27663
Less than 10	\$ 170	27664
10 or more, but less than 20	340	27665
20 or more, but less than 30	670	27666
30 or more, but less than 40	1,010	27667
40 or more, but less than 50	1,340	27668
50 or more, but less than 60	1,680	27669
60 or more, but less than 70	2,010	27670
70 or more, but less than 80	2,350	27671
80 or more, but less than 90	2,680	27672
90 or more, but less than 100	3,020	27673
100 or more	3,350	27674
(4) The fees assessed under division (D)(1) of this section	27675	
shall be collected annually no sooner than the fifteenth day of	27676	
April, commencing in 1995. The fees assessed under division (D)(2)	27677	
of this section shall be collected annually no sooner than the	27678	
fifteenth day of April, commencing in 2005. The fees assessed	27679	
under division (D)(3) of this section shall be collected no sooner	27680	
than the fifteenth day of April, commencing in 2000. The fees	27681	
assessed under division (D) of this section in a calendar year	27682	
shall be based upon the sum of the actual emissions of those	27683	
regulated pollutants during the preceding calendar year. For the	27684	
purpose of division (D) of this section, emissions of air	27685	
contaminants may be calculated using engineering calculations,	27686	
emission factors, material balance calculations, or performance	27687	
testing procedures, as authorized by the director. The director,	27688	
by rule, may require persons who are required to pay the fees	27689	
assessed under division (D) of this section to pay those fees	27690	

biennially rather than annually. 27691

(E)(1) Consistent with the need to cover the reasonable costs 27692
of the Title V permit program, the director annually shall 27693
increase the fees prescribed in division (C)(1) of this section by 27694
the percentage, if any, by which the consumer price index for the 27695
most recent calendar year ending before the beginning of a year 27696
exceeds the consumer price index for calendar year 1989. Upon 27697
calculating an increase in fees authorized by division (E)(1) of 27698
this section, the director shall compile revised fee schedules for 27699
the purposes of division (C)(1) of this section and shall make the 27700
revised schedules available to persons required to pay the fees 27701
assessed under that division and to the public. 27702

(2) For the purposes of division (E)(1) of this section: 27703

(a) The consumer price index for any year is the average of 27704
the consumer price index for all urban consumers published by the 27705
United States department of labor as of the close of the 27706
twelve-month period ending on the thirty-first day of August of 27707
that year. 27708

(b) If the 1989 consumer price index is revised, the director 27709
shall use the revision of the consumer price index that is most 27710
consistent with that for calendar year 1989. 27711

(F) Each person who is issued a permit to install pursuant to 27712
rules adopted under division (F) of section 3704.03 of the Revised 27713
Code on or after July 1, 2003, shall pay the fees specified in the 27714
following schedules: 27715

(1) Fuel-burning equipment (boilers, furnaces, or process 27716
heaters used in the process of burning fuel for the primary 27717
purpose of producing heat or power by indirect heat transfer) 27718
Input capacity (maximum) 27719
(million British thermal units per hour) Permit to install 27720
Greater than 0, but less than 10 \$ 200 27721

10 or more, but less than 100	400	27722
100 or more, but less than 300	1000	27723
300 or more, but less than 500	2250	27724
500 or more, but less than 1000	3750	27725
1000 or more, but less than 5000	6000	27726
5000 or more	9000	27727
Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.		27728 27729 27730
(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		27731 27732
Generating capacity (mega watts)	Permit to install	27733
0 or more, but less than 10	\$ 25	27734
10 or more, but less than 25	150	27735
25 or more, but less than 50	300	27736
50 or more, but less than 100	500	27737
100 or more, but less than 250	1000	27738
250 or more	2000	27739
(3) Incinerators		27740
Input capacity (pounds per hour)	Permit to install	27741
0 to 100	\$ 100	27742
101 to 500	500	27743
501 to 2000	1000	27744
2001 to 20,000	1500	27745
more than 20,000	3750	27746
(4)(a) Process		27747
Process weight rate (pounds per hour)	Permit to install	27748
0 to 1000	\$ 200	27749
1001 to 5000	500	27750
5001 to 10,000	750	27751
10,001 to 50,000	1000	27752
more than 50,000	1250	27753

In any process where process weight rate cannot be 27754
ascertained, the minimum fee shall be assessed. A boiler, furnace, 27755
combustion turbine, stationary internal combustion engine, or 27756
process heater designed to provide direct heat or power to a 27757
process not designed to generate electricity shall be assessed a 27758
fee established in division (F)(4)(a) of this section. A 27759
combustion turbine or stationary internal combustion engine 27760
designed to generate electricity shall be assessed a fee 27761
established in division (F)(2) of this section. 27762

(b) Notwithstanding division (F)(4)(a) of this section, any 27763
person issued a permit to install pursuant to rules adopted under 27764
division (F) of section 3704.03 of the Revised Code shall pay the 27765
fees set forth in division (F)(4)(c) of this section for a process 27766
used in any of the following industries, as identified by the 27767
applicable two-digit, three-digit, or four-digit standard 27768
industrial classification code according to the Standard 27769
Industrial Classification Manual published by the United States 27770
office of management and budget in the executive office of the 27771
president, 1987, as revised: 27772

- Major group 10, metal mining; 27773
- Major group 12, coal mining; 27774
- Major group 14, mining and quarrying of nonmetallic minerals; 27775
- Industry group 204, grain mill products; 27776
- 2873 Nitrogen fertilizers; 27777
- 2874 Phosphatic fertilizers; 27778
- 3281 Cut stone and stone products; 27779
- 3295 Minerals and earth, ground or otherwise treated; 27780
- 4221 Grain elevators (storage only); 27781
- 5159 Farm related raw materials; 27782

5261 Retail nurseries and lawn and garden supply stores.		27783
(c) The fees set forth in the following schedule apply to the		27784
issuance of a permit to install pursuant to rules adopted under		27785
division (F) of section 3704.03 of the Revised Code for a process		27786
identified in division (F)(4)(b) of this section:		27787
Process weight rate (pounds per	Permit to install	27788
hour)		
0 to 10,000	\$ 200	27789
10,001 to 50,000	400	27790
50,001 to 100,000	500	27791
100,001 to 200,000	600	27792
200,001 to 400,000	750	27793
400,001 or more	900	27794
(5) Storage tanks		27795
Gallons (maximum useful capacity)	Permit to install	27796
0 to 20,000	\$ 100	27797
20,001 to 40,000	150	27798
40,001 to 100,000	250	27799
100,001 to 500,000	400	27800
500,001 or greater	750	27801
(6) Gasoline/fuel dispensing facilities		27802
For each gasoline/fuel		27803
dispensing facility (includes all	Permit to install	27804
units at the facility)	\$ 100	27805
(7) Dry cleaning facilities		27806
For each dry cleaning		27807
facility (includes all units	Permit to install	27808
at the facility)	\$ 100	27809
(8) Registration status		27810
For each source covered	Permit to install	27811
by registration status	\$ 75	27812

(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay the fees set forth in the following schedule:

Action	Fee	
Each notification	\$75	27818
Asbestos removal	\$3/unit	27819
Asbestos cleanup	\$4/cubic yard	27820

For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.

(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay a fee equal to one-half the fee originally assessed for the permit to install under this section, except that the fee for such an extension shall not exceed two hundred dollars.

(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to one-half of the fee that would be assessed under this section to obtain a permit to install the source. The fee assessed by this division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars.

(J) Notwithstanding division (B) or (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under division (W) of section 3704.03 of the Revised Code. This

division only applies to sources for which actual construction of 27845
the source begins on or after July 1, 1993. The imposition or 27846
payment of the fee established in this division does not preclude 27847
the director from taking any administrative or judicial 27848
enforcement action under this chapter, Chapter 3704., 3714., 27849
3734., or 6111. of the Revised Code, or a rule adopted under any 27850
of them, in connection with a violation of rules adopted under 27851
division (F) of section 3704.03 of the Revised Code. 27852

As used in this division, "actual construction of the source" 27853
means the initiation of physical on-site construction activities 27854
in connection with improvements to the source that are permanent 27855
in nature, including, without limitation, the installation of 27856
building supports and foundations and the laying of underground 27857
pipework. 27858

(K) Fifty cents per ton of each fee assessed under division 27859
(C) of this section on actual emissions from a source and received 27860
by the environmental protection agency pursuant to that division 27861
shall be deposited into the state treasury to the credit of the 27862
small business assistance fund created in section 3706.19 of the 27863
Revised Code. The remainder of the moneys received by the division 27864
pursuant to that division and moneys received by the agency 27865
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 27866
section shall be deposited in the state treasury to the credit of 27867
the clean air fund created in section 3704.035 of the Revised 27868
Code. 27869

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 27870
or (c) of this section, a person issued a water discharge permit 27871
or renewal of a water discharge permit pursuant to Chapter 6111. 27872
of the Revised Code shall pay a fee based on each point source to 27873
which the issuance is applicable in accordance with the following 27874
schedule: 27875

Design flow discharge (gallons per day)	Fee	27876
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0 to 1000	\$ 0	27877
1,001 to 5000	100	27878
5,001 to 50,000	200	27879
50,001 to 100,000	300	27880
100,001 to 300,000	525	27881
over 300,000	750	27882

(b) Notwithstanding the fee schedule specified in division 27883
(L)(1)(a) of this section, the fee for a water discharge permit 27884
that is applicable to coal mining operations regulated under 27885
Chapter 1513. of the Revised Code shall be two hundred fifty 27886
dollars per mine. 27887

(c) Notwithstanding the fee schedule specified in division 27888
(L)(1)(a) of this section, the fee for a water discharge permit 27889
for a public discharger identified by I in the third character of 27890
the permittee's NPDES permit number shall not exceed seven hundred 27891
fifty dollars. 27892

(2) A person applying for a plan approval for a wastewater 27893
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 27894
of the Revised Code shall pay a fee of one hundred dollars plus 27895
sixty-five one-hundredths of one per cent of the estimated project 27896
cost through June 30, ~~2008~~ 2010, and one hundred dollars plus 27897
two-tenths of one per cent of the estimated project cost on and 27898
after July 1, ~~2008~~ 2010, except that the total fee shall not 27899
exceed fifteen thousand dollars through June 30, ~~2008~~ 2010, and 27900
five thousand dollars on and after July 1, ~~2008~~ 2010. The fee 27901
shall be paid at the time the application is submitted. 27902

(3) A person issued a modification of a water discharge 27903
permit shall pay a fee equal to one-half the fee that otherwise 27904
would be charged for a water discharge permit, except that the fee 27905
for the modification shall not exceed four hundred dollars. 27906

(4) A person who has entered into an agreement with the 27907
director under section 6111.14 of the Revised Code shall pay an 27908

administrative service fee for each plan submitted under that 27909
section for approval that shall not exceed the minimum amount 27910
necessary to pay administrative costs directly attributable to 27911
processing plan approvals. The director annually shall calculate 27912
the fee and shall notify all persons who have entered into 27913
agreements under that section, or who have applied for agreements, 27914
of the amount of the fee. 27915

(5)(a)(i) Not later than January 30, ~~2006~~ 2008, and January 27916
30, ~~2007~~ 2009, a person holding an NPDES discharge permit issued 27917
pursuant to Chapter 6111. of the Revised Code with an average 27918
daily discharge flow of five thousand gallons or more shall pay a 27919
nonrefundable annual discharge fee. Any person who fails to pay 27920
the fee at that time shall pay an additional amount that equals 27921
ten per cent of the required annual discharge fee. 27922

(ii) The billing year for the annual discharge fee 27923
established in division (L)(5)(a)(i) of this section shall consist 27924
of a twelve-month period beginning on the first day of January of 27925
the year preceding the date when the annual discharge fee is due. 27926
In the case of an existing source that permanently ceases to 27927
discharge during a billing year, the director shall reduce the 27928
annual discharge fee, including the surcharge applicable to 27929
certain industrial facilities pursuant to division (L)(5)(c) of 27930
this section, by one-twelfth for each full month during the 27931
billing year that the source was not discharging, but only if the 27932
person holding the NPDES discharge permit for the source notifies 27933
the director in writing, not later than the first day of October 27934
of the billing year, of the circumstances causing the cessation of 27935
discharge. 27936

(iii) The annual discharge fee established in division 27937
(L)(5)(a)(i) of this section, except for the surcharge applicable 27938
to certain industrial facilities pursuant to division (L)(5)(c) of 27939
this section, shall be based upon the average daily discharge flow 27940

in gallons per day calculated using first day of May through 27941
thirty-first day of October flow data for the period two years 27942
prior to the date on which the fee is due. In the case of NPDES 27943
discharge permits for new sources, the fee shall be calculated 27944
using the average daily design flow of the facility until actual 27945
average daily discharge flow values are available for the time 27946
period specified in division (L)(5)(a)(iii) of this section. The 27947
annual discharge fee may be prorated for a new source as described 27948
in division (L)(5)(a)(ii) of this section. 27949

(b) An NPDES permit holder that is a public discharger shall 27950
pay the fee specified in the following schedule: 27951

Average daily	Fee due by	
discharge flow	January 30,	
	2006 <u>2008</u> , and	
	January 30, 2007	
	<u>2009</u>	
5,000 to 49,999	\$ 200	27956
50,000 to 100,000	500	27957
100,001 to 250,000	1,050	27958
250,001 to 1,000,000	2,600	27959
1,000,001 to 5,000,000	5,200	27960
5,000,001 to 10,000,000	10,350	27961
10,000,001 to 20,000,000	15,550	27962
20,000,001 to 50,000,000	25,900	27963
50,000,001 to 100,000,000	41,400	27964
100,000,001 or more	62,100	27965

Public dischargers owning or operating two or more publicly 27966
owned treatment works serving the same political subdivision, as 27967
"treatment works" is defined in section 6111.01 of the Revised 27968
Code, and that serve exclusively political subdivisions having a 27969
population of fewer than one hundred thousand shall pay an annual 27970
discharge fee under division (L)(5)(b) of this section that is 27971

based on the combined average daily discharge flow of the 27972
treatment works. 27973

(c) An NPDES permit holder that is an industrial discharger, 27974
other than a coal mining operator identified by P in the third 27975
character of the permittee's NPDES permit number, shall pay the 27976
fee specified in the following schedule: 27977

Average daily	Fee due by	
discharge flow	January 30,	
	2006 <u>2008</u> , and	
	January 30, 2007	
	<u>2009</u>	
5,000 to 49,999	\$ 250	27982
50,000 to 250,000	1,200	27983
250,001 to 1,000,000	2,950	27984
1,000,001 to 5,000,000	5,850	27985
5,000,001 to 10,000,000	8,800	27986
10,000,001 to 20,000,000	11,700	27987
20,000,001 to 100,000,000	14,050	27988
100,000,001 to 250,000,000	16,400	27989
250,000,001 or more	18,700	27990

In addition to the fee specified in the above schedule, an 27991
NPDES permit holder that is an industrial discharger classified as 27992
a major discharger during all or part of the annual discharge fee 27993
billing year specified in division (L)(5)(a)(ii) of this section 27994
shall pay a nonrefundable annual surcharge of seven thousand five 27995
hundred dollars not later than January 30, ~~2006~~ 2008, and not 27996
later than January 30, ~~2007~~ 2009. Any person who fails to pay the 27997
surcharge at that time shall pay an additional amount that equals 27998
ten per cent of the amount of the surcharge. 27999

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 28000
section, a public discharger identified by I in the third 28001
character of the permittee's NPDES permit number and an industrial 28002

discharger identified by I, J, L, V, W, X, Y, or Z in the third 28003
character of the permittee's NPDES permit number shall pay a 28004
nonrefundable annual discharge fee of one hundred eighty dollars 28005
not later than January 30, ~~2006~~ 2008, and not later than January 28006
30, ~~2007~~ 2009. Any person who fails to pay the fee at that time 28007
shall pay an additional amount that equals ten per cent of the 28008
required fee. 28009

(6) Each person obtaining a national pollutant discharge 28010
elimination system general or individual permit for municipal 28011
storm water discharge shall pay a nonrefundable storm water 28012
discharge fee of one hundred dollars per square mile of area 28013
permitted. The fee shall not exceed ten thousand dollars and shall 28014
be payable on or before January 30, 2004, and the thirtieth day of 28015
January of each year thereafter. Any person who fails to pay the 28016
fee on the date specified in division (L)(6) of this section shall 28017
pay an additional amount per year equal to ten per cent of the 28018
annual fee that is unpaid. 28019

(7) The director shall transmit all moneys collected under 28020
division (L) of this section to the treasurer of state for deposit 28021
into the state treasury to the credit of the surface water 28022
protection fund created in section 6111.038 of the Revised Code. 28023

(8) As used in division (L) of this section: 28024

(a) "NPDES" means the federally approved national pollutant 28025
discharge elimination system program for issuing, modifying, 28026
revoking, reissuing, terminating, monitoring, and enforcing 28027
permits and imposing and enforcing pretreatment requirements under 28028
Chapter 6111. of the Revised Code and rules adopted under it. 28029

(b) "Public discharger" means any holder of an NPDES permit 28030
identified by P in the second character of the NPDES permit number 28031
assigned by the director. 28032

(c) "Industrial discharger" means any holder of an NPDES 28033

permit identified by I in the second character of the NPDES permit 28034
number assigned by the director. 28035

(d) "Major discharger" means any holder of an NPDES permit 28036
classified as major by the regional administrator of the United 28037
States environmental protection agency in conjunction with the 28038
director. 28039

(M) Through June 30, ~~2008~~ 2010, a person applying for a 28040
license or license renewal to operate a public water system under 28041
section 6109.21 of the Revised Code shall pay the appropriate fee 28042
established under this division at the time of application to the 28043
director. Any person who fails to pay the fee at that time shall 28044
pay an additional amount that equals ten per cent of the required 28045
fee. The director shall transmit all moneys collected under this 28046
division to the treasurer of state for deposit into the drinking 28047
water protection fund created in section 6109.30 of the Revised 28048
Code. 28049

Except as provided in division (M)(4) of this section, fees 28050
required under this division shall be calculated and paid in 28051
accordance with the following schedule: 28052

(1) For the initial license required under division (A)(1) of 28053
section 6109.21 of the Revised Code for any public water system 28054
that is a community water system as defined in section 6109.01 of 28055
the Revised Code, and for each license renewal required for such a 28056
system prior to January 31, ~~2008~~ 2010, the fee is: 28057

Number of service connections	Fee amount	
Not more than 49	\$ 112	28058
50 to 99	176	28059
Number of service connections	Average cost per connection	28060
100 to 2,499	\$ 1.92	28061
2,500 to 4,999	1.48	28062
5,000 to 7,499	1.42	28063
		28064

7,500 to 9,999	1.34	28065
10,000 to 14,999	1.16	28066
15,000 to 24,999	1.10	28067
25,000 to 49,999	1.04	28068
50,000 to 99,999	.92	28069
100,000 to 149,999	.86	28070
150,000 to 199,999	.80	28071
200,000 or more	.76	28072

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under division (A)(2) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2008~~ 2010, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	28087
150 to 299	176	28088
300 to 749	384	28089
750 to 1,499	628	28090
1,500 to 2,999	1,268	28091
3,000 to 7,499	2,816	28092
7,500 to 14,999	5,510	28093
15,000 to 22,499	9,048	28094
22,500 to 29,999	12,430	28095
30,000 or more	16,820	28096

As used in division (M)(2) of this section, "population served" means the total number of individuals receiving water from the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under division (A)(3) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2008~~ 2010, the fee is:

Number of wells supplying system	Fee amount	
1	\$112	
2	112	
3	176	
4	278	
5	568	
System designated as using a surface water source	792	

As used in division (M)(3) of this section, "number of wells supplying system" means those wells that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2008~~ 2010, and fifteen thousand dollars on and

after July 1, ~~2008~~ 2010. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2008~~ 2010, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		28146
MMO-MUG	\$2,000	28147
MF	2,100	28148
MMO-MUG and MF	2,550	28149
organic chemical	5,400	28150
trace metals	5,400	28151
standard chemistry	2,800	28152
limited chemistry	1,550	28153

On and after July 1, ~~2008~~ 2010, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	28156
organic chemicals	3,500	28157
trace metals	3,500	28158
standard chemistry	1,800	28159
limited chemistry	1,000	28160

The fee for those services shall be paid at the time the request 28161
for the survey is made. Through June 30, ~~2008~~ 2010, an individual 28162
laboratory shall not be assessed a fee under this division more 28163
than once in any three-year period unless the person requests the 28164
addition of analytical methods or analysts, in which case the 28165
person shall pay eighteen hundred dollars for each additional 28166
survey requested. 28167

As used in division (N)(3) of this section: 28168

(a) "MF" means microfiltration. 28169

(b) "MMO" means minimal medium ONPG. 28170

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 28171

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 28172

The director shall transmit all moneys collected under this 28173
division to the treasurer of state for deposit into the drinking 28174
water protection fund created in section 6109.30 of the Revised 28175
Code. 28176

(O) Any person applying to the director for examination for 28177
certification as an operator of a water supply system or 28178
wastewater system under Chapter 6109. or 6111. of the Revised 28179
Code, at the time the application is submitted, shall pay an 28180
application fee of forty-five dollars through November 30, ~~2008~~ 28181
2010, and twenty-five dollars on and after December 1, ~~2008~~ 2010. 28182
Upon approval from the director that the applicant is eligible to 28183
take the examination therefor, the applicant shall pay a fee in 28184
accordance with the following schedule through November 30, ~~2008~~ 28185
2010: 28186

Class A operator	\$35	28187
Class I operator	60	28188
Class II operator	75	28189
Class III operator	85	28190

Class IV operator 100 28191

On and after December 1, ~~2008~~ 2010, the applicant shall pay a fee in accordance with the following schedule:

Class A operator \$25 28194
Class I operator \$45 28195
Class II operator 55 28196
Class III operator 65 28197
Class IV operator 75 28198

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator \$25 28202
Class I operator 35 28203
Class II operator 45 28204
Class III operator 55 28205
Class IV operator 65 28206

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator \$45 28212
Class I operator 55 28213
Class II operator 65 28214
Class III operator 75 28215
Class IV operator 85 28216

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or

composting facility, or an existing infectious waste treatment 28256
facility using incineration as its principal method of treatment, 28257
under that chapter shall pay a fee of one thousand dollars. The 28258
increases in the permit fees under this division resulting from 28259
the amendments made by Amended Substitute House Bill 592 of the 28260
117th general assembly do not apply to any person who submitted an 28261
application for a permit to install a new, or modify an existing, 28262
solid waste disposal facility under that chapter prior to 28263
September 1, 1987; any such person shall pay the permit fee 28264
established in this division as it existed prior to June 24, 1988. 28265
In addition to the applicable permit fee under this division, a 28266
person issued a permit to install or modify a solid waste facility 28267
or an infectious waste treatment facility under that chapter who 28268
fails to pay the permit fee to the director in compliance with 28269
division (V) of this section shall pay an additional ten per cent 28270
of the amount of the fee for each week that the permit fee is 28271
late. 28272

Permit and late payment fees paid to the director under this 28273
division shall be credited to the general revenue fund. 28274

(R)(1) A person issued a registration certificate for a scrap 28275
tire collection facility under section 3734.75 of the Revised Code 28276
shall pay a fee of two hundred dollars, except that if the 28277
facility is owned or operated by a motor vehicle salvage dealer 28278
licensed under Chapter 4738. of the Revised Code, the person shall 28279
pay a fee of twenty-five dollars. 28280

(2) A person issued a registration certificate for a new 28281
scrap tire storage facility under section 3734.76 of the Revised 28282
Code shall pay a fee of three hundred dollars, except that if the 28283
facility is owned or operated by a motor vehicle salvage dealer 28284
licensed under Chapter 4738. of the Revised Code, the person shall 28285
pay a fee of twenty-five dollars. 28286

(3) A person issued a permit for a scrap tire storage 28287

facility under section 3734.76 of the Revised Code shall pay a fee 28288
of one thousand dollars, except that if the facility is owned or 28289
operated by a motor vehicle salvage dealer licensed under Chapter 28290
4738. of the Revised Code, the person shall pay a fee of fifty 28291
dollars. 28292

(4) A person issued a permit for a scrap tire monocell or 28293
monofill facility under section 3734.77 of the Revised Code shall 28294
pay a fee of ten dollars per thousand cubic yards of disposal 28295
capacity or one thousand dollars, whichever is greater, except 28296
that the total fee for any such permit shall not exceed eighty 28297
thousand dollars. 28298

(5) A person issued a registration certificate for a scrap 28299
tire recovery facility under section 3734.78 of the Revised Code 28300
shall pay a fee of one hundred dollars. 28301

(6) A person issued a permit for a scrap tire recovery 28302
facility under section 3734.78 of the Revised Code shall pay a fee 28303
of one thousand dollars. 28304

(7) In addition to the applicable registration certificate or 28305
permit fee under divisions (R)(1) to (6) of this section, a person 28306
issued a registration certificate or permit for any such scrap 28307
tire facility who fails to pay the registration certificate or 28308
permit fee to the director in compliance with division (V) of this 28309
section shall pay an additional ten per cent of the amount of the 28310
fee for each week that the fee is late. 28311

(8) The registration certificate, permit, and late payment 28312
fees paid to the director under divisions (R)(1) to (7) of this 28313
section shall be credited to the scrap tire management fund 28314
created in section 3734.82 of the Revised Code. 28315

(S)(1) Except as provided by divisions (L), (M), (N), (O), 28316
(P), and (S)(2) of this section, division (A)(2) of section 28317
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 28318

and rules adopted under division (T)(1) of this section, any 28319
person applying for a registration certificate under section 28320
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit,
variance, or plan approval under Chapter 3734. of the Revised Code 28321
shall pay a nonrefundable fee of fifteen dollars at the time the 28322
application is submitted. 28323
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Except as otherwise provided, any person applying for a 28325
permit, variance, or plan approval under Chapter 6109. or 6111. of 28326
the Revised Code shall pay a nonrefundable fee of one hundred 28327
dollars at the time the application is submitted through June 30,
~~2008~~ 2010, and a nonrefundable fee of fifteen dollars at the time 28328
the application is submitted on and after July 1, ~~2008~~ 2010. 28329
Through June 30, ~~2008~~ 2010, any person applying for a national 28330
pollutant discharge elimination system permit under Chapter 6111. 28331
of the Revised Code shall pay a nonrefundable fee of two hundred 28332
dollars at the time of application for the permit. On and after 28333
July 1, ~~2008~~ 2010, such a person shall pay a nonrefundable fee of 28334
fifteen dollars at the time of application. 28335
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In addition to the application fee established under division 28337
(S)(1) of this section, any person applying for a national 28338
pollutant discharge elimination system general storm water 28339
construction permit shall pay a nonrefundable fee of twenty 28340
dollars per acre for each acre that is permitted above five acres 28341
at the time the application is submitted. However, the per acreage 28342
fee shall not exceed three hundred dollars. In addition, any 28343
person applying for a national pollutant discharge elimination 28344
system general storm water industrial permit shall pay a 28345
nonrefundable fee of one hundred fifty dollars at the time the 28346
application is submitted. 28347

The director shall transmit all moneys collected under 28348
division (S)(1) of this section pursuant to Chapter 6109. of the 28349
Revised Code to the treasurer of state for deposit into the 28350

drinking water protection fund created in section 6109.30 of the Revised Code. 28351
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The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. 28353
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If a registration certificate is issued under section 3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of the application fee paid shall be deducted from the amount of the registration certificate fee due under division (R)(1), (2), or (5) of this section, as applicable. 28358
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If a person submits an electronic application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section, the person shall pay the applicable application fee as expeditiously as possible after the submission of the electronic application. An application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section shall not be reviewed or processed until the applicable application fee, and any other fees established under this division, are paid. 28363
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(2) Division (S)(1) of this section does not apply to an application for a registration certificate for a scrap tire collection or storage facility submitted under section 3734.75 or 3734.76 of the Revised Code, as applicable, if the owner or operator of the facility or proposed facility is a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code. 28374
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(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of 28380
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the following: 28382

(1) Prescribe fees to be paid by applicants for and holders 28383
of any license, permit, variance, plan approval, or certification 28384
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 28385
the Revised Code that are not specifically established in this 28386
section. The fees shall be designed to defray the cost of 28387
processing, issuing, revoking, modifying, denying, and enforcing 28388
the licenses, permits, variances, plan approvals, and 28389
certifications. 28390

The director shall transmit all moneys collected under rules 28391
adopted under division (T)(1) of this section pursuant to Chapter 28392
6109. of the Revised Code to the treasurer of state for deposit 28393
into the drinking water protection fund created in section 6109.30 28394
of the Revised Code. 28395

The director shall transmit all moneys collected under rules 28396
adopted under division (T)(1) of this section pursuant to Chapter 28397
6111. of the Revised Code to the treasurer of state for deposit 28398
into the surface water protection fund created in section 6111.038 28399
of the Revised Code. 28400

(2) Exempt the state and political subdivisions thereof, 28401
including education facilities or medical facilities owned by the 28402
state or a political subdivision, or any person exempted from 28403
taxation by section 5709.07 or 5709.12 of the Revised Code, from 28404
any fee required by this section; 28405

(3) Provide for the waiver of any fee, or any part thereof, 28406
otherwise required by this section whenever the director 28407
determines that the imposition of the fee would constitute an 28408
unreasonable cost of doing business for any applicant, class of 28409
applicants, or other person subject to the fee; 28410

(4) Prescribe measures that the director considers necessary 28411
to carry out this section. 28412

(U) When the director reasonably demonstrates that the direct 28413
cost to the state associated with the issuance of a permit to 28414
install, license, variance, plan approval, or certification 28415
exceeds the fee for the issuance or review specified by this 28416
section, the director may condition the issuance or review on the 28417
payment by the person receiving the issuance or review of, in 28418
addition to the fee specified by this section, the amount, or any 28419
portion thereof, in excess of the fee specified under this 28420
section. The director shall not so condition issuances for which 28421
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 28422
section. 28423

(V) Except as provided in divisions (L), (M), and (P) of this 28424
section or unless otherwise prescribed by a rule of the director 28425
adopted pursuant to Chapter 119. of the Revised Code, all fees 28426
required by this section are payable within thirty days after the 28427
issuance of an invoice for the fee by the director or the 28428
effective date of the issuance of the license, permit, variance, 28429
plan approval, or certification. If payment is late, the person 28430
responsible for payment of the fee shall pay an additional ten per 28431
cent of the amount due for each month that it is late. 28432

(W) As used in this section, "fuel-burning equipment," 28433
"fuel-burning equipment input capacity," "incinerator," 28434
"incinerator input capacity," "process," "process weight rate," 28435
"storage tank," "gasoline dispensing facility," "dry cleaning 28436
facility," "design flow discharge," and "new source treatment 28437
works" have the meanings ascribed to those terms by applicable 28438
rules or standards adopted by the director under Chapter 3704. or 28439
6111. of the Revised Code. 28440

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 28441
and (J) of this section, and in any other provision of this 28442
section pertaining to fees paid pursuant to Chapter 3704. of the 28443
Revised Code: 28444

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.	28445 28446 28447
(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:	28448 28449 28450
(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;	28451 28452 28453
(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;	28454 28455 28456 28457
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	28458 28459 28460
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	28461 28462 28463
(e) Emission and ambient monitoring;	28464
(f) Modeling, analyses, or demonstrations;	28465
(g) Preparing inventories and tracking emissions;	28466
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	28467 28468 28469 28470 28471 28472 28473
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	28474

of this section, each sewage sludge facility shall pay a 28475
nonrefundable annual sludge fee equal to three dollars and fifty 28476
cents per dry ton of sewage sludge, including the dry tons of 28477
sewage sludge in materials derived from sewage sludge, that the 28478
sewage sludge facility treats or disposes of in this state. The 28479
annual volume of sewage sludge treated or disposed of by a sewage 28480
sludge facility shall be calculated using the first day of January 28481
through the thirty-first day of December of the calendar year 28482
preceding the date on which payment of the fee is due. 28483

(2)(a) Except as provided in division (Y)(2)(d) of this 28484
section, each sewage sludge facility shall pay a minimum annual 28485
sewage sludge fee of one hundred dollars. 28486

(b) The annual sludge fee required to be paid by a sewage 28487
sludge facility that treats or disposes of exceptional quality 28488
sludge in this state shall be thirty-five per cent less per dry 28489
ton of exceptional quality sludge than the fee assessed under 28490
division (Y)(1) of this section, subject to the following 28491
exceptions: 28492

(i) Except as provided in division (Y)(2)(d) of this section, 28493
a sewage sludge facility that treats or disposes of exceptional 28494
quality sludge shall pay a minimum annual sewage sludge fee of one 28495
hundred dollars. 28496

(ii) A sewage sludge facility that treats or disposes of 28497
exceptional quality sludge shall not be required to pay the annual 28498
sludge fee for treatment or disposal in this state of exceptional 28499
quality sludge generated outside of this state and contained in 28500
bags or other containers not greater than one hundred pounds in 28501
capacity. 28502

A thirty-five per cent reduction for exceptional quality 28503
sludge applies to the maximum annual fees established under 28504
division (Y)(3) of this section. 28505

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge 28537
or a sewage sludge facility that treats sewage sludge and 28538
transfers the sewage sludge to an incineration facility for 28539
disposal, the incineration facility, and not the entity generating 28540
the sewage sludge or the sewage sludge facility treating the 28541
sewage sludge, shall pay the annual sludge fee for the tons of 28542
sewage sludge that are transferred. However, the entity or 28543
facility generating or treating the sewage sludge shall pay the 28544
one-hundred-dollar minimum fee required under division (Y)(2)(a) 28545
of this section. 28546

(b) In the case of an entity that generates sewage sludge and 28547
transfers the sewage sludge to a landfill for disposal or to a 28548
sewage sludge facility for land reclamation or surface disposal, 28549
the entity generating the sewage sludge, and not the landfill or 28550
sewage sludge facility, shall pay the annual sludge fee for the 28551
tons of sewage sludge that are transferred. 28552

(5) Not later than the first day of April of the calendar 28553
year following March 17, 2000, and each first day of April 28554
thereafter, the director shall issue invoices to persons who are 28555
required to pay the annual sludge fee. The invoice shall identify 28556
the nature and amount of the annual sludge fee assessed and state 28557
the first day of May as the deadline for receipt by the director 28558
of objections regarding the amount of the fee and the first day of 28559
July as the deadline for payment of the fee. 28560

Not later than the first day of May following receipt of an 28561
invoice, a person required to pay the annual sludge fee may submit 28562
objections to the director concerning the accuracy of information 28563
regarding the number of dry tons of sewage sludge used to 28564
calculate the amount of the annual sludge fee or regarding whether 28565
the sewage sludge qualifies for the exceptional quality sludge 28566
discount established in division (Y)(2)(b) of this section. The 28567
director may consider the objections and adjust the amount of the 28568

fee to ensure that it is accurate. 28569

If the director does not adjust the amount of the annual 28570
sludge fee in response to a person's objections, the person may 28571
appeal the director's determination in accordance with Chapter 28572
119. of the Revised Code. 28573

Not later than the first day of June, the director shall 28574
notify the objecting person regarding whether the director has 28575
found the objections to be valid and the reasons for the finding. 28576
If the director finds the objections to be valid and adjusts the 28577
amount of the annual sludge fee accordingly, the director shall 28578
issue with the notification a new invoice to the person 28579
identifying the amount of the annual sludge fee assessed and 28580
stating the first day of July as the deadline for payment. 28581

Not later than the first day of July, any person who is 28582
required to do so shall pay the annual sludge fee. Any person who 28583
is required to pay the fee, but who fails to do so on or before 28584
that date shall pay an additional amount that equals ten per cent 28585
of the required annual sludge fee. 28586

(6) The director shall transmit all moneys collected under 28587
division (Y) of this section to the treasurer of state for deposit 28588
into the surface water protection fund created in section 6111.038 28589
of the Revised Code. The moneys shall be used to defray the costs 28590
of administering and enforcing provisions in Chapter 6111. of the 28591
Revised Code and rules adopted under it that govern the use, 28592
storage, treatment, or disposal of sewage sludge. 28593

(7) Beginning in fiscal year 2001, and every two years 28594
thereafter, the director shall review the total amount of moneys 28595
generated by the annual sludge fees to determine if that amount 28596
exceeded six hundred thousand dollars in either of the two 28597
preceding fiscal years. If the total amount of moneys in the fund 28598
exceeded six hundred thousand dollars in either fiscal year, the 28599

director, after review of the fee structure and consultation with 28600
affected persons, shall issue an order reducing the amount of the 28601
fees levied under division (Y) of this section so that the 28602
estimated amount of moneys resulting from the fees will not exceed 28603
six hundred thousand dollars in any fiscal year. 28604

If, upon review of the fees under division (Y)(7) of this 28605
section and after the fees have been reduced, the director 28606
determines that the total amount of moneys collected and 28607
accumulated is less than six hundred thousand dollars, the 28608
director, after review of the fee structure and consultation with 28609
affected persons, may issue an order increasing the amount of the 28610
fees levied under division (Y) of this section so that the 28611
estimated amount of moneys resulting from the fees will be 28612
approximately six hundred thousand dollars. Fees shall never be 28613
increased to an amount exceeding the amount specified in division 28614
(Y)(7) of this section. 28615

Notwithstanding section 119.06 of the Revised Code, the 28616
director may issue an order under division (Y)(7) of this section 28617
without the necessity to hold an adjudicatory hearing in 28618
connection with the order. The issuance of an order under this 28619
division is not an act or action for purposes of section 3745.04 28620
of the Revised Code. 28621

(8) As used in division (Y) of this section: 28622

(a) "Sewage sludge facility" means an entity that performs 28623
treatment on or is responsible for the disposal of sewage sludge. 28624

(b) "Sewage sludge" means a solid, semi-solid, or liquid 28625
residue generated during the treatment of domestic sewage in a 28626
treatment works as defined in section 6111.01 of the Revised Code. 28627
"Sewage sludge" includes, but is not limited to, scum or solids 28628
removed in primary, secondary, or advanced wastewater treatment 28629
processes. "Sewage sludge" does not include ash generated during 28630

the firing of sewage sludge in a sewage sludge incinerator, grit 28631
and screenings generated during preliminary treatment of domestic 28632
sewage in a treatment works, animal manure, residue generated 28633
during treatment of animal manure, or domestic septage. 28634

(c) "Exceptional quality sludge" means sewage sludge that 28635
meets all of the following qualifications: 28636

(i) Satisfies the class A pathogen standards in 40 C.F.R. 28637
503.32(a); 28638

(ii) Satisfies one of the vector attraction reduction 28639
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 28640

(iii) Does not exceed the ceiling concentration limitations 28641
for metals listed in table one of 40 C.F.R. 503.13; 28642

(iv) Does not exceed the concentration limitations for metals 28643
listed in table three of 40 C.F.R. 503.13. 28644

(d) "Treatment" means the preparation of sewage sludge for 28645
final use or disposal and includes, but is not limited to, 28646
thickening, stabilization, and dewatering of sewage sludge. 28647

(e) "Disposal" means the final use of sewage sludge, 28648
including, but not limited to, land application, land reclamation, 28649
surface disposal, or disposal in a landfill or an incinerator. 28650

(f) "Land application" means the spraying or spreading of 28651
sewage sludge onto the land surface, the injection of sewage 28652
sludge below the land surface, or the incorporation of sewage 28653
sludge into the soil for the purposes of conditioning the soil or 28654
fertilizing crops or vegetation grown in the soil. 28655

(g) "Land reclamation" means the returning of disturbed land 28656
to productive use. 28657

(h) "Surface disposal" means the placement of sludge on an 28658
area of land for disposal, including, but not limited to, 28659
monofills, surface impoundments, lagoons, waste piles, or 28660

dedicated disposal sites. 28661

(i) "Incinerator" means an entity that disposes of sewage 28662
sludge through the combustion of organic matter and inorganic 28663
matter in sewage sludge by high temperatures in an enclosed 28664
device. 28665

(j) "Incineration facility" includes all incinerators owned 28666
or operated by the same entity and located on a contiguous tract 28667
of land. Areas of land are considered to be contiguous even if 28668
they are separated by a public road or highway. 28669

(k) "Annual sludge fee" means the fee assessed under division 28670
(Y)(1) of this section. 28671

(l) "Landfill" means a sanitary landfill facility, as defined 28672
in rules adopted under section 3734.02 of the Revised Code, that 28673
is licensed under section 3734.05 of the Revised Code. 28674

(m) "Preexisting land reclamation project" means a 28675
property-specific land reclamation project that has been in 28676
continuous operation for not less than five years pursuant to 28677
approval of the activity by the director and includes the 28678
implementation of a community outreach program concerning the 28679
activity. 28680

Sec. 3746.04. Within one year after September 28, 1994, the 28681
director of environmental protection, in accordance with Chapter 28682
119. of the Revised Code and with the advice of the 28683
multidisciplinary council appointed under section 3746.03 of the 28684
Revised Code, shall adopt, and subsequently may amend, suspend, or 28685
rescind, rules that do both of the following: 28686

(A) Revise the rules adopted under Chapters 3704., 3714., 28687
3734., 6109., and 6111. of the Revised Code to incorporate the 28688
provisions necessary to conform those rules to the requirements of 28689
this chapter. The amended rules adopted under this division also 28690

shall establish response times for all submittals to the 28691
environmental protection agency required under this chapter or 28692
rules adopted under it. 28693

(B) Establish requirements and procedures that are reasonably 28694
necessary for the implementation and administration of this 28695
chapter, including, without limitation, all of the following: 28696

(1) Appropriate generic numerical clean-up standards for the 28697
treatment or removal of soils, sediments, and water media for 28698
hazardous substances and petroleum. The rules shall establish 28699
separate generic numerical clean-up standards based upon the 28700
intended use of properties after the completion of voluntary 28701
actions, including industrial, commercial, and residential uses 28702
and such other categories of land use as the director considers to 28703
be appropriate. The generic numerical clean-up standards 28704
established for each category of land use shall be the 28705
concentration of each contaminant that may be present on a 28706
property that shall ensure protection of public health and safety 28707
and the environment for the reasonable exposure for that category 28708
of land use. When developing the standards, the director shall 28709
consider such factors as all of the following: 28710

(a) Scientific information, including, without limitation, 28711
toxicological information and realistic assumptions regarding 28712
human and environmental exposure to hazardous substances or 28713
petroleum; 28714

(b) Climatic factors; 28715

(c) Human activity patterns; 28716

(d) Current statistical techniques; 28717

(e) For petroleum at industrial property, alternatives to the 28718
use of total petroleum hydrocarbons. 28719

The generic numerical clean-up standards established in the 28720

rules adopted under division (B)(1) of this section shall be 28721
consistent with and equivalent in scope, content, and coverage to 28722
any applicable standard established by federal environmental laws 28723
and regulations adopted under them, including, without limitation, 28724
the "Federal Water Pollution Control Act Amendments of 1972," 86 28725
Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource 28726
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 28727
6921, as amended; the "Toxic Substances Control Act," 90 Stat. 28728
2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive 28729
Environmental Response, Compensation, and Liability Act of 1980," 28730
94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe 28731
Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as 28732
amended. 28733

In order for the rules adopted under division (B)(1) of this 28734
section to require that any such federal environmental standard 28735
apply to a property, the property shall meet the requirements of 28736
the particular federal statute or regulation involved in the 28737
manner specified by the statute or regulation. 28738

The generic numerical clean-up standards for petroleum at 28739
commercial or residential property shall be the standards 28740
established in rules adopted under division (B) of section 28741
3737.882 of the Revised Code. 28742

(2)(a) Procedures for performing property-specific risk 28743
assessments that would be performed at a property to demonstrate 28744
that the remedy evaluated in a risk assessment results in 28745
protection of public health and safety and the environment instead 28746
of complying with the generic numerical clean-up standards 28747
established in the rules adopted under division (B)(1) of this 28748
section. The risk assessment procedures shall describe a 28749
methodology to establish, on a property-specific basis, allowable 28750
levels of contamination to remain at a property to ensure 28751
protection of public health and safety and the environment on the 28752

property and off the property when the contamination is emanating 28753
off the property, taking into account all of the following: 28754

(i) The implementation of treatment, storage, or disposal, or 28755
a combination thereof, of hazardous substances or petroleum; 28756

(ii) The existence of institutional controls or activity and 28757
use limitations that eliminate or mitigate exposure to hazardous 28758
substances or petroleum through the restriction of access to 28759
hazardous substances or petroleum; 28760

(iii) The existence of engineering controls that eliminate or 28761
mitigate exposure to hazardous substances or petroleum through 28762
containment of, control of, or restrictions of access to hazardous 28763
substances or petroleum, including, without limitation, fences, 28764
cap systems, cover systems, and landscaping. 28765

(b) The risk assessment procedures and levels of acceptable 28766
risk set forth in the rules adopted under division (B)(2) of this 28767
section shall be based upon all of the following: 28768

(i) Scientific information, including, without limitation, 28769
toxicological information and actual or proposed human and 28770
environmental exposure; 28771

(ii) Locational and climatic factors; 28772

(iii) Surrounding land use and human activities; 28773

(iv) Differing levels of remediation that may be required 28774
when an existing land use is continued compared to when a 28775
different land use follows the remediation. 28776

(c) Any standards established pursuant to rules adopted under 28777
division (B)(2) of this section shall be no more stringent than 28778
standards established under the environmental statutes of this 28779
state and rules adopted under them for the same contaminant in the 28780
same environmental medium that are in effect at the time the risk 28781
assessment is conducted. 28782

(3) Minimum standards for phase I property assessments. The 28783
standards shall specify the information needed to demonstrate that 28784
there is no reason to believe that contamination exists on a 28785
property. The rules adopted under division (B)(3) of this section, 28786
at a minimum, shall require that a phase I property assessment 28787
include all of the following: 28788

(a) A review and analysis of deeds, mortgages, easements of 28789
record, and similar documents relating to the chain of title to 28790
the property that are publicly available or that are known to and 28791
reasonably available to the owner or operator; 28792

(b) A review and analysis of any previous environmental 28793
assessments, property assessments, environmental studies, or 28794
geologic studies of the property and any land within two thousand 28795
feet of the boundaries of the property that are publicly available 28796
or that are known to and reasonably available to the owner or 28797
operator; 28798

(c) A review of current and past environmental compliance 28799
histories of persons who owned or operated the property; 28800

(d) A review of aerial photographs of the property that 28801
indicate prior uses of the property; 28802

(e) Interviews with managers of activities conducted at the 28803
property who have knowledge of environmental conditions at the 28804
property; 28805

(f) Conducting an inspection of the property consisting of a 28806
walkover; 28807

(g) Identifying the current and past uses of the property, 28808
adjoining tracts of land, and the area surrounding the property, 28809
including, without limitation, interviews with persons who reside 28810
or have resided, or who are or were employed, within the area 28811
surrounding the property regarding the current and past uses of 28812
the property and adjacent tracts of land. 28813

The rules adopted under division (B)(3) of this section shall 28814
establish criteria to determine when a phase II property 28815
assessment shall be conducted when a phase I property assessment 28816
reveals facts that establish a reason to believe that hazardous 28817
substances or petroleum have been treated, stored, managed, or 28818
disposed of on the property if the person undertaking the phase I 28819
property assessment wishes to obtain a covenant not to sue under 28820
section 3746.12 of the Revised Code. 28821

(4) Minimum standards for phase II property assessments. The 28822
standards shall specify the information needed to demonstrate that 28823
any contamination present at the property does not exceed 28824
applicable standards or that the remedial activities conducted at 28825
the property have achieved compliance with applicable standards. 28826
The rules adopted under division (B)(4) of this section, at a 28827
minimum, shall require that a phase II property assessment include 28828
all of the following: 28829

(a) A review and analysis of all documentation prepared in 28830
connection with a phase I property assessment conducted within the 28831
one hundred eighty days before the phase II property assessment 28832
begins. The rules adopted under division (B)(4)(a) of this section 28833
shall require that if a period of more than one hundred eighty 28834
days has passed between the time that the phase I assessment of 28835
the property was completed and the phase II assessment begins, the 28836
phase II assessment shall include a reasonable inquiry into the 28837
change in the environmental condition of the property during the 28838
intervening period. 28839

(b) Quality assurance objectives for measurements taken in 28840
connection with a phase II assessment; 28841

(c) Sampling procedures to ensure the representative sampling 28842
of potentially contaminated environmental media; 28843

(d) Quality assurance and quality control requirements for 28844

samples collected in connection with phase II assessments; 28845

(e) Analytical and data assessment procedures; 28846

(f) Data objectives to ensure that samples collected in 28847
connection with phase II assessments are biased toward areas where 28848
information indicates that contamination by hazardous substances 28849
or petroleum is likely to exist. 28850

(5) Standards governing the conduct of certified 28851
professionals, criteria and procedures for the certification of 28852
professionals to issue no further action letters under section 28853
3746.11 of the Revised Code, and criteria for the suspension and 28854
revocation of those certifications. The director shall take an 28855
action regarding a certification as a final action. The issuance, 28856
denial, renewal, suspension, and revocation of those 28857
certifications are subject to Chapter 3745. of the Revised Code, 28858
except that, in lieu of publishing an action regarding a 28859
certification in a newspaper of general circulation as required in 28860
section 3745.07 of the Revised Code, such an action shall be 28861
published on the environmental protection agency's web site and in 28862
the agency's weekly review not later than fifteen days after the 28863
date of the issuance, denial, renewal, suspension, or revocation 28864
of the certification and not later than thirty days before a 28865
hearing or public meeting concerning the action. 28866

The rules adopted under division (B)(5) of this section shall 28867
do all of the following: 28868

(a) Provide for the certification of environmental 28869
professionals to issue no further action letters pertaining to 28870
investigations and remedies in accordance with the criteria and 28871
procedures set forth in the rules. The rules adopted under 28872
division (B)(5)(a) of this section shall do at least all of the 28873
following: 28874

(i) Authorize the director to consider such factors as an 28875

environmental professional's previous performance record regarding 28876
such investigations and remedies and the environmental 28877
professional's environmental compliance history when determining 28878
whether to certify the environmental professional; 28879

(ii) Ensure that an application for certification is reviewed 28880
in a timely manner; 28881

(iii) Require the director to certify any environmental 28882
professional who the director determines complies with those 28883
criteria; 28884

(iv) Require the director to deny certification for any 28885
environmental professional who does not comply with those 28886
criteria. 28887

(b) Establish an annual fee to be paid by environmental 28888
professionals certified pursuant to the rules adopted under 28889
division (B)(5)(a) of this section. The fee shall be established 28890
at an amount calculated to defray the costs to the agency for the 28891
required reviews of the qualifications of environmental 28892
professionals for certification and for the issuance of the 28893
certifications. 28894

(c) Develop a schedule for and establish requirements 28895
governing the review by the director of the credentials of 28896
environmental professionals who were deemed to be certified 28897
professionals under division (D) of section 3746.07 of the Revised 28898
Code in order to determine if they comply with the criteria 28899
established in rules adopted under division (B)(5) of this 28900
section. The rules adopted under division (B)(5)(c) of this 28901
section shall do at least all of the following: 28902

(i) Ensure that the review is conducted in a timely fashion; 28903

(ii) Require the director to certify any such environmental 28904
professional who the director determines complies with those 28905
criteria; 28906

(iii) Require any such environmental professional initially 28907
to pay the fee established in the rules adopted under division 28908
(B)(5)(b) of this section at the time that the environmental 28909
professional is so certified by the director; 28910

(iv) Establish a time period within which any such 28911
environmental professional who does not comply with those criteria 28912
may obtain the credentials that are necessary for certification; 28913

(v) Require the director to deny certification for any such 28914
environmental professional who does not comply with those criteria 28915
and who fails to obtain the necessary credentials within the 28916
established time period. 28917

(d) Require that any information submitted to the director 28918
for the purposes of the rules adopted under division (B)(5)(a) or 28919
(c) of this section comply with division (A) of section 3746.20 of 28920
the Revised Code; 28921

(e) Authorize the director to suspend or revoke the 28922
certification of an environmental professional if the director 28923
finds that the environmental professional's performance has 28924
resulted in the issuance of no further action letters under 28925
section 3746.11 of the Revised Code that are not consistent with 28926
applicable standards or finds that the certified environmental 28927
professional has not substantially complied with section 3746.31 28928
of the Revised Code; 28929

(f) Authorize the director to suspend for a period of not 28930
more than five years or to permanently revoke a certified 28931
environmental professional's certification for any violation of or 28932
failure to comply with an ethical standard established in rules 28933
adopted under division (B)(5) of this section; 28934

(g) Require the director to revoke the certification of an 28935
environmental professional if the director finds that the 28936
environmental professional falsified any information on the 28937

environmental professional's application for certification 28938
regarding the environmental professional's credentials or 28939
qualifications or any other information generated for the purposes 28940
of or use under this chapter or rules adopted under it; 28941

(h) Require the director permanently to revoke the 28942
certification of an environmental professional who has violated or 28943
is violating division (A) of section 3746.18 of the Revised Code; 28944

(i) Preclude the director from revoking the certification of 28945
an environmental professional who only conducts investigations and 28946
remedies at property contaminated solely with petroleum unless the 28947
director first consults with the director of commerce. 28948

(6) Criteria and procedures for the certification of 28949
laboratories to perform analyses under this chapter and rules 28950
adopted under it. The director shall take an action regarding a 28951
certification as a final action. The issuance, denial, renewal, 28952
suspension, and revocation of those certifications are subject to 28953
Chapter 3745. of the Revised Code, ~~and the director of~~ 28954
~~environmental protection shall take any such action regarding a~~ 28955
~~certification as a final action~~ except that, in lieu of publishing 28956
an action regarding a certification in a newspaper of general 28957
circulation as required in section 3745.07 of the Revised Code, 28958
such an action shall be published on the environmental protection 28959
agency's web site and in the agency's weekly review not later than 28960
fifteen days after the date of the issuance, denial, renewal, 28961
suspension, or revocation of the certification and not later than 28962
thirty days before a hearing or public meeting concerning the 28963
action. 28964

The rules adopted under division (B)(6) of this section shall 28965
do all of the following: 28966

(a) Provide for the certification to perform analyses of 28967
laboratories in accordance with the criteria and procedures 28968

established in the rules adopted under division (B)(6)(a) of this 28969
section and establish an annual fee to be paid by those 28970
laboratories. The fee shall be established at an amount calculated 28971
to defray the costs to the agency for the review of the 28972
qualifications of those laboratories for certification and for the 28973
issuance of the certifications. The rules adopted under division 28974
(B)(6)(a) of this section may provide for the certification of 28975
those laboratories to perform only particular types or categories 28976
of analyses, specific test parameters or group of test parameters, 28977
or a specific matrix or matrices under this chapter. 28978

(b) Develop a schedule for and establish requirements 28979
governing the review by the director of the operations of 28980
laboratories that were deemed to be certified laboratories under 28981
division (E) of section 3746.07 of the Revised Code in order to 28982
determine if they comply with the criteria established in rules 28983
adopted under division (B)(6) of this section. The rules adopted 28984
under division (B)(6)(b) of this section shall do at least all of 28985
the following: 28986

(i) Ensure that the review is conducted in a timely fashion; 28987

(ii) Require the director to certify any such laboratory that 28988
the director determines complies with those criteria; 28989

(iii) Require any such laboratory initially to pay the fee 28990
established in the rules adopted under division (B)(6)(a) of this 28991
section at the time that the laboratory is so certified by the 28992
director; 28993

(iv) Establish a time period within which any such laboratory 28994
that does not comply with those criteria may make changes in its 28995
operations necessary for the performance of analyses under this 28996
chapter and rules adopted under it in order to be certified by the 28997
director; 28998

(v) Require the director to deny certification for any such 28999

laboratory that does not comply with those criteria and that fails 29000
to make the necessary changes in its operations within the 29001
established time period. 29002

(c) Require that any information submitted to the director 29003
for the purposes of the rules adopted under division (B)(6)(a) or 29004
(b) of this section comply with division (A) of section 3746.20 of 29005
the Revised Code; 29006

(d) Authorize the director to suspend or revoke the 29007
certification of a laboratory if the director finds that the 29008
laboratory's performance has resulted in the issuance of no 29009
further action letters under section 3746.11 of the Revised Code 29010
that are not consistent with applicable standards; 29011

(e) Authorize the director to suspend or revoke the 29012
certification of a laboratory if the director finds that the 29013
laboratory falsified any information on its application for 29014
certification regarding its credentials or qualifications; 29015

(f) Require the director permanently to revoke the 29016
certification of a laboratory that has violated or is violating 29017
division (A) of section 3746.18 of the Revised Code. 29018

(7) Information to be included in a no further action letter 29019
prepared under section 3746.11 of the Revised Code, including, 29020
without limitation, all of the following: 29021

(a) A summary of the information required to be submitted to 29022
the certified environmental professional preparing the no further 29023
action letter under division (C) of section 3746.10 of the Revised 29024
Code; 29025

(b) Notification that a risk assessment was performed in 29026
accordance with rules adopted under division (B)(2) of this 29027
section if such an assessment was used in lieu of generic 29028
numerical clean-up standards established in rules adopted under 29029
division (B)(1) of this section; 29030

(c) The contaminants addressed at the property, if any, their source, if known, and their levels prior to remediation;	29031 29032
(d) The identity of any other person who performed work to support the request for the no further action letter as provided in division (B)(2) of section 3746.10 of the Revised Code and the nature and scope of the work performed by that person;	29033 29034 29035 29036
(e) A list of the data, information, records, and documents relied upon by the certified environmental professional in preparing the no further action letter.	29037 29038 29039
(8) Methods for determining fees to be paid for the following services provided by the agency under this chapter and rules adopted under it:	29040 29041 29042
(a) Site- or property-specific technical assistance in developing or implementing plans in connection with a voluntary action;	29043 29044 29045
(b) Reviewing applications for and issuing consolidated standards permits under section 3746.15 of the Revised Code and monitoring compliance with those permits;	29046 29047 29048
(c) Negotiating, preparing, and entering into agreements necessary for the implementation and administration of this chapter and rules adopted under it;	29049 29050 29051
(d) Reviewing no further action letters, issuing covenants not to sue, and monitoring compliance with any terms and conditions of those covenants and with operation and maintenance agreements entered into pursuant to those covenants, including, without limitation, conducting audits of properties where voluntary actions are being or were conducted under this chapter and rules adopted under it.	29052 29053 29054 29055 29056 29057 29058
The fees established pursuant to the rules adopted under division (B)(8) of this section shall be at a level sufficient to	29059 29060

defray the direct and indirect costs incurred by the agency for 29061
the administration and enforcement of this chapter and rules 29062
adopted under it other than the provisions regarding the 29063
certification of professionals and laboratories. 29064

(9) Criteria for selecting the no further action letters 29065
issued under section 3746.11 of the Revised Code that will be 29066
audited under section 3746.17 of the Revised Code, and the scope 29067
and procedures for conducting those audits. The rules adopted 29068
under division (B)(9) of this section, at a minimum, shall require 29069
the director to establish priorities for auditing no further 29070
action letters to which any of the following applies: 29071

(a) The letter was prepared by an environmental professional 29072
who was deemed to be a certified professional under division (D) 29073
of section 3746.07 of the Revised Code, but who does not comply 29074
with the criteria established in rules adopted under division 29075
(B)(5) of this section as determined pursuant to rules adopted 29076
under division (B)(5)(d) of this section; 29077

(b) The letter was submitted fraudulently; 29078

(c) The letter was prepared by a certified environmental 29079
professional whose certification subsequently was revoked in 29080
accordance with rules adopted under division (B)(5) of this 29081
section, or analyses were performed for the purposes of the no 29082
further action letter by a certified laboratory whose 29083
certification subsequently was revoked in accordance with rules 29084
adopted under division (B)(6) of this section; 29085

(d) A covenant not to sue that was issued pursuant to the 29086
letter was revoked under this chapter; 29087

(e) The letter was for a voluntary action that was conducted 29088
pursuant to a risk assessment in accordance with rules adopted 29089
under division (B)(2) of this section; 29090

(f) The letter was for a voluntary action that included as 29091

remedial activities engineering controls or institutional controls 29092
or activity and use limitations authorized under section 3746.05 29093
of the Revised Code. 29094

The rules adopted under division (B)(9) of this section shall 29095
provide for random audits of no further action letters to which 29096
the rules adopted under divisions (B)(9)(a) to (f) of this section 29097
do not apply. 29098

(10) A classification system to characterize ground water 29099
according to its capability to be used for human use and its 29100
impact on the environment and a methodology that shall be used to 29101
determine when ground water that has become contaminated from 29102
sources on a property for which a covenant not to sue is requested 29103
under section 3746.11 of the Revised Code shall be remediated to 29104
the standards established in the rules adopted under division 29105
(B)(1) or (2) of this section. 29106

(a) In adopting rules under division (B)(10) of this section 29107
to characterize ground water according to its capability for human 29108
use, the director shall consider all of the following: 29109

(i) The presence of legally enforceable, reliable 29110
restrictions on the use of ground water, including, without 29111
limitation, local rules or ordinances; 29112

(ii) The presence of regional commingled contamination from 29113
multiple sources that diminishes the quality of ground water; 29114

(iii) The natural quality of ground water; 29115

(iv) Regional availability of ground water and reasonable 29116
alternative sources of drinking water; 29117

(v) The productivity of the aquifer; 29118

(vi) The presence of restrictions on the use of ground water 29119
implemented under this chapter and rules adopted under it; 29120

(vii) The existing use of ground water. 29121

(b) In adopting rules under division (B)(10) of this section 29122
to characterize ground water according to its impacts on the 29123
environment, the director shall consider both of the following: 29124

(i) The risks posed to humans, fauna, surface water, 29125
sediments, soil, air, and other resources by the continuing 29126
presence of contaminated ground water; 29127

(ii) The availability and feasibility of technology to remedy 29128
ground water contamination. 29129

(11) Governing the application for and issuance of variances 29130
under section 3746.09 of the Revised Code; 29131

(12)(a) In the case of voluntary actions involving 29132
contaminated ground water, specifying the circumstances under 29133
which the generic numerical clean-up standards established in 29134
rules adopted under division (B)(1) of this section and standards 29135
established through a risk assessment conducted pursuant to rules 29136
adopted under division (B)(2) of this section shall be 29137
inapplicable to the remediation of contaminated ground water and 29138
under which the standards for remediating contaminated ground 29139
water shall be established on a case-by-case basis prior to the 29140
commencement of the voluntary action pursuant to rules adopted 29141
under division (B)(12)(b) of this section; 29142

(b) Criteria and procedures for the case-by-case 29143
establishment of standards for the remediation of contaminated 29144
ground water under circumstances in which the use of the generic 29145
numerical clean-up standards and standards established through a 29146
risk assessment are precluded by the rules adopted under division 29147
(B)(12)(a) of this section. The rules governing the procedures for 29148
the case-by-case development of standards for the remediation of 29149
contaminated ground water shall establish application, public 29150
participation, adjudication, and appeals requirements and 29151
procedures that are equivalent to the requirements and procedures 29152

established in section 3746.09 of the Revised Code and rules 29153
adopted under division (B)(11) of this section, except that the 29154
procedural rules shall not require an applicant to make the 29155
demonstrations set forth in divisions (A)(1) to (3) of section 29156
3746.09 of the Revised Code. 29157

(13) A definition of the evidence that constitutes sufficient 29158
evidence for the purpose of division (A)(5) of section 3746.02 of 29159
the Revised Code. 29160

At least thirty days before filing the proposed rules 29161
required to be adopted under this section with the secretary of 29162
state, director of the legislative service commission, and joint 29163
committee on agency rule review in accordance with divisions (B) 29164
and (H) of section 119.03 of the Revised Code, the director of 29165
environmental protection shall hold at least one public meeting on 29166
the proposed rules in each of the five districts into which the 29167
agency has divided the state for administrative purposes. 29168

Sec. 3769.087. (A) In addition to the commission of eighteen 29169
per cent retained by each permit holder as provided in section 29170
3769.08 of the Revised Code, each permit holder shall retain an 29171
additional amount equal to four per cent of the total of all 29172
moneys wagered on each racing day on all wagering pools other than 29173
win, place, and show, of which amount retained an amount equal to 29174
three per cent of the total of all moneys wagered on each racing 29175
day on those pools shall be paid by check, draft, or money order 29176
to the tax commissioner, as a tax. Subject to the restrictions 29177
contained in divisions (B), (C), and (M) of section 3769.08 of the 29178
Revised Code, from such additional moneys paid to the tax 29179
commissioner: 29180

(1) Four-sixths shall be allocated to fund distribution as 29181
provided in division (M) of section 3769.08 of the Revised Code. 29182

(2) One-twelfth shall be paid into the Ohio fairs fund 29183

created by section 3769.082 of the Revised Code. 29184

(3) One-twelfth of the additional moneys paid to the tax 29185
commissioner by thoroughbred racing permit holders shall be paid 29186
into the Ohio thoroughbred race fund created by section 3769.083 29187
of the Revised Code. 29188

(4) One-twelfth of the additional moneys paid to the tax 29189
commissioner by harness horse racing permit holders shall be paid 29190
to the Ohio standardbred development fund created by section 29191
3769.085 of the Revised Code. 29192

(5) One-twelfth of the additional moneys paid to the tax 29193
commissioner by quarter horse racing permit holders shall be paid 29194
to the Ohio quarter horse development fund created by section 29195
3769.086 of the Revised Code. 29196

(6) One-sixth shall be paid into the state racing commission 29197
operating fund created by section 3769.03 of the Revised Code. 29198

The remaining one per cent that is retained of the total of 29199
all moneys wagered on each racing day on all pools other than win, 29200
place, and show, shall be retained by racing permit holders, and, 29201
except as otherwise provided in section 3769.089 of the Revised 29202
Code, racing permit holders shall use one-half for purse money and 29203
retain one-half. 29204

(B) In addition to the commission of eighteen per cent 29205
retained by each permit holder as provided in section 3769.08 of 29206
the Revised Code and the additional amount retained by each permit 29207
holder as provided in division (A) of this section, each permit 29208
holder shall retain an additional amount equal to one-half of one 29209
per cent of the total of all moneys wagered on each racing day on 29210
all wagering pools other than win, place, and show. ~~Except as~~ 29211
~~provided in division (C) of this section, from the~~ The additional 29212
amount retained under this division, ~~each permit holder shall~~ 29213
~~retain an amount equal to one quarter of one per cent of the total~~ 29214

~~of all moneys wagered on each racing day on all pools other than
win, place, and show and shall pay that amount shall be paid by
check, draft, or money order to the tax commissioner, as a tax.
The tax commissioner shall pay the amount of the tax received
under this division to the state racing commission operating fund
created by section 3769.03 of the Revised Code.~~

~~Except as provided in division (C) of this section, the
remaining one quarter of one per cent that is retained from the
total of all moneys wagered on each racing day on all pools other
than win, place, and show shall be retained by the permit holder,
and the permit holder shall use one half for purse money and
retain one half.~~

~~(C) During the period commencing on July 1, 2006, and ending
on and including June 30, 2007, the additional amount retained by
each permit holder under division (B) of this section shall be
paid by check, draft, or money order to the tax commissioner, as a
tax. The tax commissioner shall pay the amount of the tax received
under this division to the state racing commission operating fund
created by section 3769.03 of the Revised Code.~~

Sec. 3770.03. (A) The state lottery commission shall
promulgate rules under which a statewide lottery may be conducted.
The rules shall be promulgated pursuant to Chapter 119. of the
Revised Code, except that instant game rules shall be promulgated
pursuant to section 111.15 of the Revised Code but are not subject
to division (D) of that section. Subjects covered in these rules
shall include, but need not be limited to, the following:

(1) The type of lottery to be conducted;

(2) The prices of tickets in the lottery;

(3) The number, nature, and value of prize awards, the manner
and frequency of prize drawings, and the manner in which prizes

shall be awarded to holders of winning tickets. 29245

(B) The commission shall promulgate rules, in addition to 29246
those described in division (A) of this section, pursuant to 29247
Chapter 119. of the Revised Code under which a statewide lottery 29248
and statewide joint lottery games may be conducted. Subjects 29249
covered in these rules shall include, but not be limited to, the 29250
following: 29251

(1) The locations at which lottery tickets may be sold and 29252
the manner in which they are to be sold. These rules may authorize 29253
the sale of lottery tickets by commission personnel or other 29254
licensed individuals from traveling show wagons at the state fair, 29255
and at any other expositions the director of the commission 29256
considers acceptable. These rules shall prohibit commission 29257
personnel or other licensed individuals from soliciting from an 29258
exposition the right to sell lottery tickets at that exposition, 29259
but shall allow commission personnel or other licensed individuals 29260
to sell lottery tickets at an exposition if the exposition 29261
requests commission personnel or licensed individuals to do so. 29262
These rules may also address the accessibility of sales agent 29263
locations to commission products in accordance with the "Americans 29264
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 29265
et seq. 29266

(2) The manner in which lottery sales revenues are to be 29267
collected, including authorization for the director to impose 29268
penalties for failure by lottery sales agents to transfer revenues 29269
to the commission in a timely manner; 29270

(3) The amount of compensation to be paid licensed lottery 29271
sales agents; 29272

(4) The substantive criteria for the licensing of lottery 29273
sales agents consistent with section 3770.05 of the Revised Code, 29274
and procedures for revoking or suspending their licenses 29275

consistent with Chapter 119. of the Revised Code. If 29276
circumstances, such as the nonpayment of funds owed by a lottery 29277
sales agent, or other circumstances related to the public safety, 29278
convenience, or trust, require immediate action, the director may 29279
suspend a license without affording an opportunity for a prior 29280
hearing under section 119.07 of the Revised Code. 29281

(5) Special game rules to implement any agreements signed by 29282
the governor that the director enters into with other lottery 29283
jurisdictions under division (J) of section 3770.02 of the Revised 29284
Code to conduct statewide joint lottery games. The rules shall 29285
require that the entire net proceeds of those games that remain, 29286
after associated operating expenses, prize disbursements, lottery 29287
sales agent bonuses, commissions, and reimbursements, and any 29288
other expenses necessary to comply with the agreements or the 29289
rules are deducted from the gross proceeds of those games, be 29290
transferred to the lottery profits education fund under division 29291
(B) of section 3770.06 of the Revised Code. 29292

(C) The commission may promulgate rules, in addition to those 29293
described in divisions (A) and (B) of this section, that establish 29294
standards governing the display of advertising and celebrity 29295
images on lottery tickets and on other items that are used in the 29296
conduct of, or to promote, the statewide lottery and statewide 29297
joint lottery games. Any revenue derived from the sale of 29298
advertising displayed on lottery tickets and on those other items 29299
shall be considered, for purposes of section 3770.06 of the 29300
Revised Code, to be related proceeds in connection with the 29301
statewide lottery or gross proceeds from statewide joint lottery 29302
games, as applicable. 29303

(D)(1) The commission shall meet with the director at least 29304
once each month and shall convene other meetings at the request of 29305
the chairperson or any five of the members. No action taken by the 29306
commission shall be binding unless at least five of the members 29307

present vote in favor of the action. A written record shall be 29308
made of the proceedings of each meeting and shall be transmitted 29309
forthwith to the governor, the president of the senate, the senate 29310
minority leader, the speaker of the house of representatives, and 29311
the house minority leader. 29312

(2) The director shall present to the commission a report 29313
each month, showing the total revenues, prize disbursements, and 29314
operating expenses of the state lottery for the preceding month. 29315
As soon as practicable after the end of each fiscal year, the 29316
commission shall prepare and transmit to the governor and the 29317
general assembly a report of lottery revenues, prize 29318
disbursements, and operating expenses for the preceding fiscal 29319
year and any recommendations for legislation considered necessary 29320
by the commission. 29321

Sec. 3770.06. (A) There is hereby created the state lottery 29322
gross revenue fund, which shall be in the custody of the treasurer 29323
of state but shall not be part of the state treasury. All gross 29324
revenues received from sales of lottery tickets, fines, fees, and 29325
related proceeds in connection with the statewide lottery and all 29326
gross proceeds from statewide joint lottery games shall be 29327
deposited into the fund. The treasurer of state shall invest any 29328
portion of the fund not needed for immediate use in the same 29329
manner as, and subject to all provisions of law with respect to 29330
the investment of, state funds. The treasurer of state shall 29331
disburse money from the fund on order of the director of the state 29332
lottery commission or the director's designee. 29333

Except for gross proceeds from statewide joint lottery games, 29334
all revenues of the state lottery gross revenue fund that are not 29335
paid to holders of winning lottery tickets, that are not required 29336
to meet short-term prize liabilities, that are not credited to 29337
lottery sales agents in the form of bonuses, commissions, or 29338

reimbursements, that are not paid to financial institutions to 29339
reimburse those institutions for sales agent nonsufficient funds, 29340
and that are collected from sales agents for remittance to 29341
insurers under contract to provide sales agent bonding services 29342
shall be transferred to the state lottery fund, which is hereby 29343
created in the state treasury. In addition, all revenues of the 29344
state lottery gross revenue fund that represent the gross proceeds 29345
from the statewide joint lottery games and that are not paid to 29346
holders of winning lottery tickets, that are not required to meet 29347
short-term prize liabilities, that are not credited to lottery 29348
sales agents in the form of bonuses, commissions, or 29349
reimbursements, and that are not necessary to cover operating 29350
expenses associated with those games or to otherwise comply with 29351
the agreements signed by the governor that the director enters 29352
into under division (J) of section 3770.02 of the Revised Code or 29353
the rules the commission adopts under division (B)(5) of section 29354
3770.03 of the Revised Code shall be transferred to the state 29355
lottery fund. All investment earnings of the fund shall be 29356
credited to the fund. Moneys shall be disbursed from the fund 29357
pursuant to vouchers approved by the director. Total disbursements 29358
for monetary prize awards to holders of winning lottery tickets in 29359
connection with the statewide lottery and purchases of goods and 29360
services awarded as prizes to holders of winning lottery tickets 29361
shall be of an amount equal to at least fifty per cent of the 29362
total revenue accruing from the sale of lottery tickets. 29363

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 29364
there is hereby established in the state treasury the lottery 29365
profits education fund. Whenever, in the judgment of the director 29366
of budget and management, the amount to the credit of the state 29367
lottery fund that does not represent proceeds from statewide joint 29368
lottery games is in excess of that needed to meet the maturing 29369
obligations of the commission and as working capital for its 29370
further operations, the director shall transfer the excess to the 29371

lottery profits education fund in connection with the statewide 29372
lottery. In addition, whenever, in the judgment of the director of 29373
budget and management, the amount to the credit of the state 29374
lottery fund that represents proceeds from statewide joint lottery 29375
games equals the entire net proceeds of those games as described 29376
in division (B)(5) of section 3770.03 of the Revised Code and the 29377
rules adopted under that division, the director shall transfer 29378
those proceeds to the lottery profits education fund. There shall 29379
also be credited to the fund any repayments of moneys loaned from 29380
the educational excellence investment fund. Investment earnings of 29381
the lottery profits education fund shall be credited to the fund. 29382

The lottery profits education fund shall be used solely for 29383
the support of elementary, secondary, vocational, and special 29384
education programs as determined in appropriations made by the 29385
general assembly, or as provided in applicable bond proceedings 29386
for the payment of debt service on obligations issued to pay costs 29387
of capital facilities, including those for a system of common 29388
schools throughout the state pursuant to section 2n of Article 29389
VIII, Ohio Constitution. When determining the availability of 29390
money in the lottery profits education fund, the director of 29391
budget and management may consider all balances and estimated 29392
revenues of the fund. 29393

~~From the amounts that the director of budget and management 29394
transfers in any fiscal year from the state lottery fund to the 29395
lottery profits education fund, the director shall transfer the 29396
initial ten million dollars of those amounts from the lottery 29397
profits education fund to the school building program bond service 29398
fund created in division (Q) of section 3318.26 of the Revised 29399
Code to be pledged for the purpose of paying bond service charges 29400
as defined in division (C) of section 3318.21 of the Revised Code 29401
on one or more issuances of obligations, which obligations are 29402
issued to provide moneys for the school building program 29403~~

~~assistance fund created in section 3318.25 of the Revised Code.~~ 29404

(C) There is hereby established in the state treasury the 29405
deferred prizes trust fund. With the approval of the director of 29406
budget and management, an amount sufficient to fund annuity prizes 29407
shall be transferred from the state lottery fund and credited to 29408
the trust fund. The treasurer of state shall credit all earnings 29409
arising from investments purchased under this division to the 29410
trust fund. Within sixty days after the end of each fiscal year, 29411
the treasurer of state shall certify to the director of budget and 29412
management whether the actuarial amount of the trust fund is 29413
sufficient over the fund's life for continued funding of all 29414
remaining deferred prize liabilities as of the last day of the 29415
fiscal year just ended. Also, within that sixty days, the director 29416
of budget and management shall certify the amount of investment 29417
earnings necessary to have been credited to the trust fund during 29418
the fiscal year just ending to provide for such continued funding 29419
of deferred prizes. Any earnings credited in excess of ~~this~~ the 29420
latter certified amount shall be transferred to the lottery 29421
profits education fund. 29422

To provide all or a part of the amounts necessary to fund 29423
deferred prizes awarded by the commission in connection with the 29424
statewide lottery, the treasurer of state, in consultation with 29425
the commission, may invest moneys contained in the deferred prizes 29426
trust fund which represents proceeds from the statewide lottery in 29427
obligations of the type permitted for the investment of state 29428
funds but whose maturities are thirty years or less. 29429
Notwithstanding the requirements of any other section of the 29430
Revised Code, to provide all or part of the amounts necessary to 29431
fund deferred prizes awarded by the commission in connection with 29432
statewide joint lottery games, the treasurer of state, in 29433
consultation with the commission, may invest moneys in the trust 29434
fund which represent proceeds derived from the statewide joint 29435

lottery games in accordance with the rules the commission adopts 29436
under division (B)(5) of section 3770.03 of the Revised Code. 29437
Investments of the trust fund are not subject to the provisions of 29438
division (A)(10) of section 135.143 of the Revised Code limiting 29439
to twenty-five per cent the amount of the state's total average 29440
portfolio that may be invested in debt interests and limiting to 29441
one-half of one per cent the amount that may be invested in debt 29442
interests of a single issuer. 29443

All purchases made under this division shall be effected on a 29444
delivery versus payment method and shall be in the custody of the 29445
treasurer of state. 29446

The treasurer of state may retain an investment advisor, if 29447
necessary. The commission shall pay any costs incurred by the 29448
treasurer of state in retaining an investment advisor. 29449

(D) The auditor of state shall conduct annual audits of all 29450
funds and any other audits as the auditor of state or the general 29451
assembly considers necessary. The auditor of state may examine all 29452
records, files, and other documents of the commission, and records 29453
of lottery sales agents that pertain to their activities as 29454
agents, for purposes of conducting authorized audits. 29455

The state lottery commission shall establish an internal 29456
audit program before the beginning of each fiscal year, subject to 29457
the approval of the auditor of state. At the end of each fiscal 29458
year, the commission shall prepare and submit an annual report to 29459
the auditor of state for the auditor of state's review and 29460
approval, specifying the internal audit work completed by the end 29461
of that fiscal year and reporting on compliance with the annual 29462
internal audit program. The form and content of the report shall 29463
be prescribed by the auditor of state under division (C) of 29464
section 117.20 of the Revised Code. 29465

(E) Whenever, in the judgment of the director of budget and 29466

management, an amount of net state lottery proceeds is necessary 29467
to be applied to the payment of debt service on obligations, all 29468
as defined in sections 151.01 and 151.03 of the Revised Code, the 29469
director shall transfer that amount directly from the state 29470
lottery fund or from the lottery profits education fund to the 29471
bond service fund defined in those sections. The provisions of 29472
this division are subject to any prior pledges or obligation of 29473
those amounts to the payment of bond service charges as defined in 29474
division (C) of section 3318.21 of the Revised Code, as referred 29475
to in division (B) of this section. 29476

Sec. 3773.35. Any person who wishes to conduct a public 29477
boxing or wrestling match or exhibition shall apply to the Ohio 29478
athletic commission for a promoter's license. Each application 29479
shall be filed with the commission on forms provided by the 29480
commission, and shall be accompanied by an application fee as 29481
prescribed in section 3773.43 of the Revised Code and by a cash 29482
bond, certified check, bank draft, or surety bond of not less than 29483
five thousand dollars conditioned for compliance with sections 29484
3773.31 to 3773.57 of the Revised Code and the rules of the 29485
commission. The applicant shall verify the application under oath. 29486

The commission shall prescribe the form of the application 29487
for the promoter's license. The application shall include the name 29488
of the applicant, the post office address of the applicant, and 29489
any other information the commission requires. 29490

There is hereby created the athletic commission promoter's 29491
license fund, which shall be in the custody of the treasurer of 29492
state but shall not be part of the state treasury. The fund shall 29493
consist of all cash bonds, certified checks, and bank drafts the 29494
commission receives from persons pursuant to this section. All 29495
money in the fund, including investment earnings thereon, shall be 29496
used solely to reimburse, as described in section 3773.36 of the 29497

Revised Code, the cash bonds, certified checks, or bank drafts 29498
deposited pursuant to this section. 29499

Sec. 3773.36. Upon the proper filing of an application to 29500
conduct public boxing or wrestling matches or exhibitions, 29501
accompanied by the cash bond, certified check, bank draft, or 29502
surety bond required by section 3773.35, and the application fee 29503
required by section 3773.43 of the Revised Code, the Ohio athletic 29504
commission shall issue a promoter's license to the applicant if it 29505
finds that the applicant is not in default on any payment, 29506
obligation, or debt payable to the state under sections 3773.31 to 29507
3773.57 of the Revised Code, is financially responsible, and is 29508
knowledgeable in the proper conduct of such matches or 29509
exhibitions. 29510

Each license issued pursuant to this section shall bear the 29511
name of the licensee, the post office address of the licensee, the 29512
date of ~~issue~~ expiration, ~~a serial~~ an identification number 29513
~~designated~~ issued by the commission, the seal of the commission, 29514
and the signature of the commission chairperson. 29515

A promoter's license shall expire twelve months after its 29516
date of issuance and shall become invalid on that date unless 29517
renewed. A promoter's license may be renewed upon application to 29518
the commission and upon payment of the renewal fee prescribed in 29519
section 3773.43 of the Revised Code and an additional 29520
administrative fee equal to five per cent of the total cash bond, 29521
certified check, bank draft, or surety bond required to be 29522
deposited pursuant to section 3773.35 of the Revised Code. The 29523
commission shall renew the license unless it denies the 29524
application for renewal for one or more reasons stated in section 29525
3123.47 or 3773.53 of the Revised Code. Upon the expiration or 29526
revocation of a promoter's license, the commission shall reimburse 29527
a promoter as required by section 3773.35 of the Revised Code. 29528

Sec. 3901.021. (A) ~~Three-fourths~~ Three-fifths of all 29529
appointment and other fees collected under section 3905.10 and 29530
division (B) of section 3905.20 of the Revised Code shall be paid 29531
into the state treasury to the credit of the department of 29532
insurance operating fund, which is hereby created. The remaining 29533
~~one-fourth~~ two-fifths shall be credited to the general revenue 29534
fund. Other revenues collected by the superintendent of insurance, 29535
such as registration fees for sponsored seminars or conferences 29536
and grants from private entities, shall be paid into the state 29537
treasury to the credit of the department of insurance operating 29538
fund. 29539

(B) Seven-tenths of all fees collected under divisions 29540
(A)(2), (A)(3), and (A)(6) of section 3905.40 of the Revised Code 29541
shall be paid into the state treasury to the credit of the 29542
department of insurance operating fund. The remaining three-tenths 29543
shall be credited to the general revenue fund. 29544

(C) All operating expenses of the department of insurance 29545
except those expenses defined under section 3901.07 of the Revised 29546
Code shall be paid from the department of insurance operating 29547
fund. 29548

Sec. 3901.86. (A) When the laws of any other state, district, 29549
territory, or nation impose any taxes, fines, penalties, license 29550
fees, deposits of money, securities, or other obligations or 29551
prohibitions on insurance companies of this state doing business 29552
in that state, district, territory, or nation, or upon their 29553
agents therein, the same obligations and prohibitions shall be 29554
imposed upon insurance companies of the other state, district, or 29555
nation doing business in this state and upon their agents. 29556

When the laws of any other state, district, territory, or 29557
nation impose a requirement for countersignature and payment of a 29558

fee or commission upon agents of this state for placing any 29559
coverage in that state, district, territory, or nation, then the 29560
same requirements of countersignature and fee or commission shall 29561
be imposed upon agents of that state, district, territory, or 29562
nation for placing any coverage in this state. 29563

(B) Beginning on July 1, ~~1993, twenty~~ 2007, ten per cent of 29564
the amount that is collected under division (A) of this section 29565
from foreign insurance companies that sell fire insurance to 29566
residents of this state shall be paid into the state fire 29567
marshal's fund created under section 3737.71 of the Revised Code. 29568
The director of commerce, with the approval of the director of 29569
budget and management, may increase the percentage described in 29570
this division so that it will yield an amount that the director of 29571
commerce determines necessary to assist in the maintenance and 29572
administration of the office of the fire marshal and in defraying 29573
the costs of operating the Ohio fire academy established by 29574
section 3737.33 of the Revised Code. 29575

Sec. 4115.04. (A)(1) Every public authority authorized to 29576
contract for or construct with its own forces a public 29577
improvement, before advertising for bids or undertaking such 29578
construction with its own forces, shall have the director of 29579
commerce determine the prevailing rates of wages of mechanics and 29580
laborers in accordance with section 4115.05 of the Revised Code 29581
for the class of work called for by the public improvement, in the 29582
locality where the work is to be performed. Except as provided in 29583
division (A)(2) of this section, that schedule of wages shall be 29584
attached to and made part of the specifications for the work, and 29585
shall be printed on the bidding blanks where the work is done by 29586
contract. A copy of the bidding blank shall be filed with the 29587
director before the contract is awarded. A minimum rate of wages 29588
for common laborers, on work coming under the jurisdiction of the 29589
department of transportation, shall be fixed in each county of the 29590

state by the department of transportation, in accordance with 29591
section 4115.05 of the Revised Code. 29592

(2) In the case of contracts that are administered by the 29593
department of natural resources, the director of natural resources 29594
or the director's designee shall include language in the contracts 29595
requiring wage rate determinations and updates to be obtained 29596
directly from the department of commerce through electronic or 29597
other means as appropriate. Contracts that include this 29598
requirement are exempt from the requirements established in 29599
division (A)(1) of this section that involve attaching the 29600
schedule of wages to the specifications for the work, making the 29601
schedule part of those specifications, and printing the schedule 29602
on the bidding blanks where the work is done by contract. 29603

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 29604
apply to: 29605

(1) Public improvements in any case where the federal 29606
government or any of its agencies furnishes by loan or grant all 29607
or any part of the funds used in constructing such improvements, 29608
provided that the federal government or any of its agencies 29609
prescribes predetermined minimum wages to be paid to mechanics and 29610
laborers employed in the construction of such improvements; 29611

(2) A ~~participant in work-eligible individual assigned to a~~ 29612
work participation activity, ~~developmental activity, or an~~ 29613
~~alternative work activity~~ under ~~sections 5107.40 to 5107.69~~ 29614
section 5107.42 of the Revised Code when a public authority 29615
directly uses the labor of the participant individual to construct 29616
a public improvement if the participant individual is not engaged 29617
in paid employment or subsidized employment pursuant to the 29618
activity; 29619

(3) Public improvements undertaken by, or under contract for, 29620
the board of education of any school district or the governing 29621

board of any educational service center; 29622

(4) Public improvements undertaken by, or under contract for, 29623
a county hospital operated pursuant to Chapter 339. of the Revised 29624
Code or a municipal hospital operated pursuant to Chapter 749. of 29625
the Revised Code if none of the funds used in constructing the 29626
improvements are the proceeds of bonds or other obligations that 29627
are secured by the full faith and credit of the state, a county, a 29628
township, or a municipal corporation and none of the funds used in 29629
constructing the improvements, including funds used to repay any 29630
amounts borrowed to construct the improvements, are funds that 29631
have been appropriated for that purpose by the state, a board of 29632
county commissioners, a township, or a municipal corporation from 29633
funds generated by the levy of a tax, provided that a county 29634
hospital or municipal hospital may elect to apply sections 4115.03 29635
to 4115.16 of the Revised Code to a public improvement undertaken 29636
by, or under contract for, the hospital; 29637

(5) Any project described in divisions (D)(1)(a) to (D)(1)(e) 29638
of section 176.05 of the Revised Code. 29639

Sec. 4117.01. As used in this chapter: 29640

(A) "Person," in addition to those included in division (C) 29641
of section 1.59 of the Revised Code, includes employee 29642
organizations, public employees, and public employers. 29643

(B) "Public employer" means the state or any political 29644
subdivision of the state located entirely within the state, 29645
including, without limitation, any municipal corporation with a 29646
population of at least five thousand according to the most recent 29647
federal decennial census; county; township with a population of at 29648
least five thousand in the unincorporated area of the township 29649
according to the most recent federal decennial census; school 29650
district; governing authority of a community school established 29651
under Chapter 3314. of the Revised Code; state institution of 29652

higher learning; public or special district; state agency, 29653
authority, commission, or board; or other branch of public 29654
employment. 29655

(C) "Public employee" means any person holding a position by 29656
appointment or employment in the service of a public employer, 29657
including any person working pursuant to a contract between a 29658
public employer and a private employer and over whom the national 29659
labor relations board has declined jurisdiction on the basis that 29660
the involved employees are employees of a public employer, except: 29661

(1) Persons holding elective office; 29662

(2) Employees of the general assembly and employees of any 29663
other legislative body of the public employer whose principal 29664
duties are directly related to the legislative functions of the 29665
body; 29666

(3) Employees on the staff of the governor or the chief 29667
executive of the public employer whose principal duties are 29668
directly related to the performance of the executive functions of 29669
the governor or the chief executive; 29670

(4) Persons who are members of the Ohio organized militia, 29671
while training or performing duty under section 5919.29 or 5923.12 29672
of the Revised Code; 29673

(5) Employees of the state employment relations board; 29674

(6) Confidential employees; 29675

(7) Management level employees; 29676

(8) Employees and officers of the courts, assistants to the 29677
attorney general, assistant prosecuting attorneys, and employees 29678
of the clerks of courts who perform a judicial function; 29679

(9) Employees of a public official who act in a fiduciary 29680
capacity, appointed pursuant to section 124.11 of the Revised 29681
Code; 29682

(10) Supervisors;	29683
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	29684 29685 29686 29687 29688
(12) Employees of county boards of election;	29689
(13) Seasonal and casual employees as determined by the state employment relations board;	29690 29691
(14) Part-time faculty members of an institution of higher education;	29692 29693
(15) Employees of the state personnel board of review;	29694
(16) Participants in <u>Work-eligible individuals assigned to a</u> <u>work participation activity, developmental activity, or</u> <u>alternative work activity</u> under sections 5107.40 to 5107.69 <u>section 5107.42</u> of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant <u>individual</u> is not engaged in paid employment or subsidized employment pursuant to the activity;	29695 29696 29697 29698 29699 29700 29701 29702
(17) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	29703 29704 29705
(18) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code who are not subject to a collective bargaining agreement on June 1, 2005.	29706 29707 29708 29709
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public	29710 29711 29712

employers concerning grievances, labor disputes, wages, hours, 29713
terms, and other conditions of employment. 29714

(E) "Exclusive representative" means the employee 29715
organization certified or recognized as an exclusive 29716
representative under section 4117.05 of the Revised Code. 29717

(F) "Supervisor" means any individual who has authority, in 29718
the interest of the public employer, to hire, transfer, suspend, 29719
lay off, recall, promote, discharge, assign, reward, or discipline 29720
other public employees; to responsibly direct them; to adjust 29721
their grievances; or to effectively recommend such action, if the 29722
exercise of that authority is not of a merely routine or clerical 29723
nature, but requires the use of independent judgment, provided 29724
that: 29725

(1) Employees of school districts who are department 29726
chairpersons or consulting teachers shall not be deemed 29727
supervisors; 29728

(2) With respect to members of a police or fire department, 29729
no person shall be deemed a supervisor except the chief of the 29730
department or those individuals who, in the absence of the chief, 29731
are authorized to exercise the authority and perform the duties of 29732
the chief of the department. Where prior to June 1, 1982, a public 29733
employer pursuant to a judicial decision, rendered in litigation 29734
to which the public employer was a party, has declined to engage 29735
in collective bargaining with members of a police or fire 29736
department on the basis that those members are supervisors, those 29737
members of a police or fire department do not have the rights 29738
specified in this chapter for the purposes of future collective 29739
bargaining. The state employment relations board shall decide all 29740
disputes concerning the application of division (F)(2) of this 29741
section. 29742

(3) With respect to faculty members of a state institution of 29743

higher education, heads of departments or divisions are 29744
supervisors; however, no other faculty member or group of faculty 29745
members is a supervisor solely because the faculty member or group 29746
of faculty members participate in decisions with respect to 29747
courses, curriculum, personnel, or other matters of academic 29748
policy; 29749

(4) No teacher as defined in section 3319.09 of the Revised 29750
Code shall be designated as a supervisor or a management level 29751
employee unless the teacher is employed under a contract governed 29752
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 29753
is assigned to a position for which a license deemed to be for 29754
administrators under state board rules is required pursuant to 29755
section 3319.22 of the Revised Code. 29756

(G) "To bargain collectively" means to perform the mutual 29757
obligation of the public employer, by its representatives, and the 29758
representatives of its employees to negotiate in good faith at 29759
reasonable times and places with respect to wages, hours, terms, 29760
and other conditions of employment and the continuation, 29761
modification, or deletion of an existing provision of a collective 29762
bargaining agreement, with the intention of reaching an agreement, 29763
or to resolve questions arising under the agreement. "To bargain 29764
collectively" includes executing a written contract incorporating 29765
the terms of any agreement reached. The obligation to bargain 29766
collectively does not mean that either party is compelled to agree 29767
to a proposal nor does it require the making of a concession. 29768

(H) "Strike" means continuous concerted action in failing to 29769
report to duty; willful absence from one's position; or stoppage 29770
of work in whole from the full, faithful, and proper performance 29771
of the duties of employment, for the purpose of inducing, 29772
influencing, or coercing a change in wages, hours, terms, and 29773
other conditions of employment. "Strike" does not include a 29774
stoppage of work by employees in good faith because of dangerous 29775

or unhealthful working conditions at the place of employment that 29776
are abnormal to the place of employment. 29777

(I) "Unauthorized strike" includes, but is not limited to, 29778
concerted action during the term or extended term of a collective 29779
bargaining agreement or during the pendency of the settlement 29780
procedures set forth in section 4117.14 of the Revised Code in 29781
failing to report to duty; willful absence from one's position; 29782
stoppage of work; slowdown, or abstinence in whole or in part from 29783
the full, faithful, and proper performance of the duties of 29784
employment for the purpose of inducing, influencing, or coercing a 29785
change in wages, hours, terms, and other conditions of employment. 29786
"Unauthorized strike" includes any such action, absence, stoppage, 29787
slowdown, or abstinence when done partially or intermittently, 29788
whether during or after the expiration of the term or extended 29789
term of a collective bargaining agreement or during or after the 29790
pendency of the settlement procedures set forth in section 4117.14 29791
of the Revised Code. 29792

(J) "Professional employee" means any employee engaged in 29793
work that is predominantly intellectual, involving the consistent 29794
exercise of discretion and judgment in its performance and 29795
requiring knowledge of an advanced type in a field of science or 29796
learning customarily acquired by a prolonged course in an 29797
institution of higher learning or a hospital, as distinguished 29798
from a general academic education or from an apprenticeship; or an 29799
employee who has completed the courses of specialized intellectual 29800
instruction and is performing related work under the supervision 29801
of a professional person to become qualified as a professional 29802
employee. 29803

(K) "Confidential employee" means any employee who works in 29804
the personnel offices of a public employer and deals with 29805
information to be used by the public employer in collective 29806
bargaining; or any employee who works in a close continuing 29807

relationship with public officers or representatives directly 29808
participating in collective bargaining on behalf of the employer. 29809

(L) "Management level employee" means an individual who 29810
formulates policy on behalf of the public employer, who 29811
responsibly directs the implementation of policy, or who may 29812
reasonably be required on behalf of the public employer to assist 29813
in the preparation for the conduct of collective negotiations, 29814
administer collectively negotiated agreements, or have a major 29815
role in personnel administration. Assistant superintendents, 29816
principals, and assistant principals whose employment is governed 29817
by section 3319.02 of the Revised Code are management level 29818
employees. With respect to members of a faculty of a state 29819
institution of higher education, no person is a management level 29820
employee because of the person's involvement in the formulation or 29821
implementation of academic or institution policy. 29822

(M) "Wages" means hourly rates of pay, salaries, or other 29823
forms of compensation for services rendered. 29824

(N) "Member of a police department" means a person who is in 29825
the employ of a police department of a municipal corporation as a 29826
full-time regular police officer as the result of an appointment 29827
from a duly established civil service eligibility list or under 29828
section 737.15 or 737.16 of the Revised Code, a full-time deputy 29829
sheriff appointed under section 311.04 of the Revised Code, a 29830
township constable appointed under section 509.01 of the Revised 29831
Code, or a member of a township police district police department 29832
appointed under section 505.49 of the Revised Code. 29833

(O) "Members of the state highway patrol" means highway 29834
patrol troopers and radio operators appointed under section 29835
5503.01 of the Revised Code. 29836

(P) "Member of a fire department" means a person who is in 29837
the employ of a fire department of a municipal corporation or a 29838

township as a fire cadet, full-time regular firefighter, or 29839
promoted rank as the result of an appointment from a duly 29840
established civil service eligibility list or under section 29841
505.38, 709.012, or 737.22 of the Revised Code. 29842

(Q) "Day" means calendar day. 29843

Sec. 4123.27. Information contained in the annual statement 29844
provided for in section 4123.26 of the Revised Code, and such 29845
other information as may be furnished to the bureau of workers' 29846
compensation by employers in pursuance of that section, is for the 29847
exclusive use and information of the bureau in the discharge of 29848
its official duties, and shall not be open to the public nor be 29849
used in any court in any action or proceeding pending therein 29850
unless the bureau is a party to the action or proceeding; but the 29851
information contained in the statement may be tabulated and 29852
published by the bureau in statistical form for the use and 29853
information of other state departments and the public. No person 29854
in the employ of the bureau, except those who are authorized by 29855
the administrator of workers' compensation, shall divulge any 29856
information secured by the person while in the employ of the 29857
bureau in respect to the transactions, property, claim files, 29858
records, or papers of the bureau or in respect to the business or 29859
mechanical, chemical, or other industrial process of any company, 29860
firm, corporation, person, association, partnership, or public 29861
utility to any person other than the administrator or to the 29862
superior of such employee of the bureau. 29863

Notwithstanding the restrictions imposed by this section, the 29864
governor, select or standing committees of the general assembly, 29865
the auditor of state, the attorney general, or their designees, 29866
pursuant to the authority granted in this chapter and Chapter 29867
4121. of the Revised Code, may examine any records, claim files, 29868
or papers in possession of the industrial commission or the 29869

bureau. They also are bound by the privilege that attaches to 29870
these papers. 29871

The administrator shall report to the director of job and 29872
family services or to the county director of job and family 29873
services the name, address, and social security number or other 29874
identification number of any person receiving workers' 29875
compensation whose name or social security number or other 29876
identification number is the same as that of a person required by 29877
a court or child support enforcement agency to provide support 29878
payments to a recipient or participant of public assistance, and 29879
whose name is submitted to the administrator by the director under 29880
section 5101.36 of the Revised Code. The administrator also shall 29881
inform the director of the amount of workers' compensation paid to 29882
the person during such period as the director specifies. 29883

Within fourteen days after receiving from the director of job 29884
and family services a list of the names and social security 29885
numbers of recipients or participants of public assistance 29886
pursuant to section 5101.181 of the Revised Code, the 29887
administrator shall inform the auditor of state of the name, 29888
current or most recent address, and social security number of each 29889
person receiving workers' compensation pursuant to this chapter 29890
whose name and social security number are the same as that of a 29891
person whose name or social security number was submitted by the 29892
director. The administrator also shall inform the auditor of state 29893
of the amount of workers' compensation paid to the person during 29894
such period as the director specifies. 29895

The bureau and its employees, except for purposes of 29896
furnishing the auditor of state with information required by this 29897
section, shall preserve the confidentiality of recipients or 29898
participants of public assistance in compliance with division (A) 29899
of section 5101.181 of the Revised Code. 29900

For the purposes of this section, "public assistance" means 29901

medical assistance provided through the medical assistance program 29902
established under section 5111.01 of the Revised Code, nonfederal 29903
medical assistance provided under Chapter 5114. of the Revised 29904
Code, Ohio works first provided under Chapter 5107. of the Revised 29905
Code, prevention, retention, and contingency benefits and services 29906
provided under Chapter 5108. of the Revised Code, disability 29907
financial assistance provided under Chapter 5115. of the Revised 29908
Code, or disability medical assistance provided under Chapter 29909
5115. of the Revised Code. 29910

Sec. 4123.35. (A) Except as provided in this section, every 29911
employer mentioned in division (B)(2) of section 4123.01 of the 29912
Revised Code, and every publicly owned utility shall pay 29913
semiannually in the months of January and July into the state 29914
insurance fund the amount of annual premium the administrator of 29915
workers' compensation fixes for the employment or occupation of 29916
the employer, the amount of which premium to be paid by each 29917
employer to be determined by the classifications, rules, and rates 29918
made and published by the administrator. The employer shall pay 29919
semiannually a further sum of money into the state insurance fund 29920
as may be ascertained to be due from the employer by applying the 29921
rules of the administrator, and a receipt or certificate 29922
certifying that payment has been made, along with a written notice 29923
as is required in section 4123.54 of the Revised Code, shall be 29924
mailed immediately to the employer by the bureau of workers' 29925
compensation. The receipt or certificate is prima-facie evidence 29926
of the payment of the premium, and the proper posting of the 29927
notice constitutes the employer's compliance with the notice 29928
requirement mandated in section 4123.54 of the Revised Code. 29929

The bureau of workers' compensation shall verify with the 29930
secretary of state the existence of all corporations and 29931
organizations making application for workers' compensation 29932
coverage and shall require every such application to include the 29933

employer's federal identification number. 29934

An employer as defined in division (B)(2) of section 4123.01 29935
of the Revised Code who has contracted with a subcontractor is 29936
liable for the unpaid premium due from any subcontractor with 29937
respect to that part of the payroll of the subcontractor that is 29938
for work performed pursuant to the contract with the employer. 29939

Division (A) of this section providing for the payment of 29940
premiums semiannually does not apply to any employer who was a 29941
subscriber to the state insurance fund prior to January 1, 1914, 29942
or who may first become a subscriber to the fund in any month 29943
other than January or July. Instead, the semiannual premiums shall 29944
be paid by those employers from time to time upon the expiration 29945
of the respective periods for which payments into the fund have 29946
been made by them. 29947

The administrator shall adopt rules to permit employers to 29948
make periodic payments of the semiannual premium due under this 29949
division. The rules shall include provisions for the assessment of 29950
interest charges, where appropriate, and for the assessment of 29951
penalties when an employer fails to make timely premium payments. 29952
An employer who timely pays the amounts due under this division is 29953
entitled to all of the benefits and protections of this chapter. 29954
Upon receipt of payment, the bureau immediately shall mail a 29955
receipt or certificate to the employer certifying that payment has 29956
been made, which receipt is prima-facie evidence of payment. 29957
Workers' compensation coverage under this chapter continues 29958
uninterrupted upon timely receipt of payment under this division. 29959

Every public employer, except public employers that are 29960
self-insuring employers under this section, shall comply with 29961
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 29962
regard to the contribution of moneys to the public insurance fund. 29963

(B) Employers who will abide by the rules of the 29964

administrator and who may be of sufficient financial ability to 29965
render certain the payment of compensation to injured employees or 29966
the dependents of killed employees, and the furnishing of medical, 29967
surgical, nursing, and hospital attention and services and 29968
medicines, and funeral expenses, equal to or greater than is 29969
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 29970
to 4123.67 of the Revised Code, and who do not desire to insure 29971
the payment thereof or indemnify themselves against loss sustained 29972
by the direct payment thereof, upon a finding of such facts by the 29973
administrator, may be granted the privilege to pay individually 29974
compensation, and furnish medical, surgical, nursing, and hospital 29975
services and attention and funeral expenses directly to injured 29976
employees or the dependents of killed employees, thereby being 29977
granted status as a self-insuring employer. The administrator may 29978
charge employers who apply for the status as a self-insuring 29979
employer a reasonable application fee to cover the bureau's costs 29980
in connection with processing and making a determination with 29981
respect to an application. 29982

All employers granted status as self-insuring employers shall 29983
demonstrate sufficient financial and administrative ability to 29984
assure that all obligations under this section are promptly met. 29985
The administrator shall deny the privilege where the employer is 29986
unable to demonstrate the employer's ability to promptly meet all 29987
the obligations imposed on the employer by this section. 29988

(1) The administrator shall consider, but is not limited to, 29989
the following factors, where applicable, in determining the 29990
employer's ability to meet all of the obligations imposed on the 29991
employer by this section: 29992

(a) The employer employs a minimum of five hundred employees 29993
in this state; 29994

(b) The employer has operated in this state for a minimum of 29995
two years, provided that an employer who has purchased, acquired, 29996

or otherwise succeeded to the operation of a business, or any part thereof, situated in this state that has operated for at least two years in this state, also shall qualify;

(c) Where the employer previously contributed to the state insurance fund or is a successor employer as defined by bureau rules, the amount of the buyout, as defined by bureau rules;

(d) The sufficiency of the employer's assets located in this state to insure the employer's solvency in paying compensation directly;

(e) The financial records, documents, and data, certified by a certified public accountant, necessary to provide the employer's full financial disclosure. The records, documents, and data include, but are not limited to, balance sheets and profit and loss history for the current year and previous four years.

(f) The employer's organizational plan for the administration of the workers' compensation law;

(g) The employer's proposed plan to inform employees of the change from a state fund insurer to a self-insuring employer, the procedures the employer will follow as a self-insuring employer, and the employees' rights to compensation and benefits; and

(h) The employer has either an account in a financial institution in this state, or if the employer maintains an account with a financial institution outside this state, ensures that workers' compensation checks are drawn from the same account as payroll checks or the employer clearly indicates that payment will be honored by a financial institution in this state.

The administrator may waive the requirements of divisions (B)(1)(a) and (b) of this section and the requirement of division (B)(1)(e) of this section that the financial records, documents, and data be certified by a certified public accountant. The administrator shall adopt rules establishing the criteria that an

employer shall meet in order for the administrator to waive the 30028
requirement of division (B)(1)(e) of this section. Such rules may 30029
require additional security of that employer pursuant to division 30030
(E) of section 4123.351 of the Revised Code. 30031

The administrator shall not grant the status of self-insuring 30032
employer to the state, except that the administrator may grant the 30033
status of self-insuring employer to a state institution of higher 30034
education, excluding its hospitals, that meets the requirements of 30035
division (B)(2) of this section. 30036

(2) When considering the application of a public employer, 30037
except for a board of county commissioners described in division 30038
(G) of section 4123.01 of the Revised Code, a board of a county 30039
hospital, or a publicly owned utility, the administrator shall 30040
verify that the public employer satisfies all of the following 30041
requirements as the requirements apply to that public employer: 30042

(a) For the two-year period preceding application under this 30043
section, the public employer has maintained an unvoted debt 30044
capacity equal to at least two times the amount of the current 30045
annual premium established by the administrator under this chapter 30046
for that public employer for the year immediately preceding the 30047
year in which the public employer makes application under this 30048
section. 30049

(b) For each of the two fiscal years preceding application 30050
under this section, the unreserved and undesignated year-end fund 30051
balance in the public employer's general fund is equal to at least 30052
five per cent of the public employer's general fund revenues for 30053
the fiscal year computed in accordance with generally accepted 30054
accounting principles. 30055

(c) For the five-year period preceding application under this 30056
section, the public employer, to the extent applicable, has 30057
complied fully with the continuing disclosure requirements 30058

established in rules adopted by the United States securities and 30059
exchange commission under 17 C.F.R. 240.15c 2-12. 30060

(d) For the five-year period preceding application under this 30061
section, the public employer has not had its local government or 30062
local communities fund distribution withheld on account of the 30063
public employer being indebted or otherwise obligated to the 30064
state. 30065

(e) For the five-year period preceding application under this 30066
section, the public employer has not been under a fiscal watch or 30067
fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 30068
of the Revised Code. 30069

(f) For the public employer's fiscal year preceding 30070
application under this section, the public employer has obtained 30071
an annual financial audit as required under section 117.10 of the 30072
Revised Code, which has been released by the auditor of state 30073
within seven months after the end of the public employer's fiscal 30074
year. 30075

(g) On the date of application, the public employer holds a 30076
debt rating of Aa3 or higher according to Moody's investors 30077
service, inc., or a comparable rating by an independent rating 30078
agency similar to Moody's investors service, inc. 30079

(h) The public employer agrees to generate an annual 30080
accumulating book reserve in its financial statements reflecting 30081
an actuarially generated reserve adequate to pay projected claims 30082
under this chapter for the applicable period of time, as 30083
determined by the administrator. 30084

(i) For a public employer that is a hospital, the public 30085
employer shall submit audited financial statements showing the 30086
hospital's overall liquidity characteristics, and the 30087
administrator shall determine, on an individual basis, whether the 30088
public employer satisfies liquidity standards equivalent to the 30089

liquidity standards of other public employers. 30090

(j) Any additional criteria that the administrator adopts by 30091
rule pursuant to division (E) of this section. 30092

The administrator shall not approve the application of a 30093
public employer, except for a board of county commissioners 30094
described in division (G) of section 4123.01 of the Revised Code, 30095
a board of a county hospital, or publicly owned utility, who does 30096
not satisfy all of the requirements listed in division (B)(2) of 30097
this section. 30098

(C) A board of county commissioners described in division (G) 30099
of section 4123.01 of the Revised Code, as an employer, that will 30100
abide by the rules of the administrator and that may be of 30101
sufficient financial ability to render certain the payment of 30102
compensation to injured employees or the dependents of killed 30103
employees, and the furnishing of medical, surgical, nursing, and 30104
hospital attention and services and medicines, and funeral 30105
expenses, equal to or greater than is provided for in sections 30106
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 30107
Code, and that does not desire to insure the payment thereof or 30108
indemnify itself against loss sustained by the direct payment 30109
thereof, upon a finding of such facts by the administrator, may be 30110
granted the privilege to pay individually compensation, and 30111
furnish medical, surgical, nursing, and hospital services and 30112
attention and funeral expenses directly to injured employees or 30113
the dependents of killed employees, thereby being granted status 30114
as a self-insuring employer. The administrator may charge a board 30115
of county commissioners described in division (G) of section 30116
4123.01 of the Revised Code that applies for the status as a 30117
self-insuring employer a reasonable application fee to cover the 30118
bureau's costs in connection with processing and making a 30119
determination with respect to an application. All employers 30120
granted such status shall demonstrate sufficient financial and 30121

administrative ability to assure that all obligations under this 30122
section are promptly met. The administrator shall deny the 30123
privilege where the employer is unable to demonstrate the 30124
employer's ability to promptly meet all the obligations imposed on 30125
the employer by this section. The administrator shall consider, 30126
but is not limited to, the following factors, where applicable, in 30127
determining the employer's ability to meet all of the obligations 30128
imposed on the board as an employer by this section: 30129

(1) The board as an employer employs a minimum of five 30130
hundred employees in this state; 30131

(2) The board has operated in this state for a minimum of two 30132
years; 30133

(3) Where the board previously contributed to the state 30134
insurance fund or is a successor employer as defined by bureau 30135
rules, the amount of the buyout, as defined by bureau rules; 30136

(4) The sufficiency of the board's assets located in this 30137
state to insure the board's solvency in paying compensation 30138
directly; 30139

(5) The financial records, documents, and data, certified by 30140
a certified public accountant, necessary to provide the board's 30141
full financial disclosure. The records, documents, and data 30142
include, but are not limited to, balance sheets and profit and 30143
loss history for the current year and previous four years. 30144

(6) The board's organizational plan for the administration of 30145
the workers' compensation law; 30146

(7) The board's proposed plan to inform employees of the 30147
proposed self-insurance, the procedures the board will follow as a 30148
self-insuring employer, and the employees' rights to compensation 30149
and benefits; 30150

(8) The board has either an account in a financial 30151

institution in this state, or if the board maintains an account 30152
with a financial institution outside this state, ensures that 30153
workers' compensation checks are drawn from the same account as 30154
payroll checks or the board clearly indicates that payment will be 30155
honored by a financial institution in this state; 30156

(9) The board shall provide the administrator a surety bond 30157
in an amount equal to one hundred twenty-five per cent of the 30158
projected losses as determined by the administrator. 30159

(D) The administrator shall require a surety bond from all 30160
self-insuring employers, issued pursuant to section 4123.351 of 30161
the Revised Code, that is sufficient to compel, or secure to 30162
injured employees, or to the dependents of employees killed, the 30163
payment of compensation and expenses, which shall in no event be 30164
less than that paid or furnished out of the state insurance fund 30165
in similar cases to injured employees or to dependents of killed 30166
employees whose employers contribute to the fund, except when an 30167
employee of the employer, who has suffered the loss of a hand, 30168
arm, foot, leg, or eye prior to the injury for which compensation 30169
is to be paid, and thereafter suffers the loss of any other of the 30170
members as the result of any injury sustained in the course of and 30171
arising out of the employee's employment, the compensation to be 30172
paid by the self-insuring employer is limited to the disability 30173
suffered in the subsequent injury, additional compensation, if 30174
any, to be paid by the bureau out of the surplus created by 30175
section 4123.34 of the Revised Code. 30176

(E) In addition to the requirements of this section, the 30177
administrator shall make and publish rules governing the manner of 30178
making application and the nature and extent of the proof required 30179
to justify a finding of fact by the administrator as to granting 30180
the status of a self-insuring employer, which rules shall be 30181
general in their application, one of which rules shall provide 30182
that all self-insuring employers shall pay into the state 30183

insurance fund such amounts as are required to be credited to the 30184
surplus fund in division (B) of section 4123.34 of the Revised 30185
Code. The administrator may adopt rules establishing requirements 30186
in addition to the requirements described in division (B)(2) of 30187
this section that a public employer shall meet in order to qualify 30188
for self-insuring status. 30189

Employers shall secure directly from the bureau central 30190
offices application forms upon which the bureau shall stamp a 30191
designating number. Prior to submission of an application, an 30192
employer shall make available to the bureau, and the bureau shall 30193
review, the information described in division (B)(1) of this 30194
section, and public employers shall make available, and the bureau 30195
shall review, the information necessary to verify whether the 30196
public employer meets the requirements listed in division (B)(2) 30197
of this section. An employer shall file the completed application 30198
forms with an application fee, which shall cover the costs of 30199
processing the application, as established by the administrator, 30200
by rule, with the bureau at least ninety days prior to the 30201
effective date of the employer's new status as a self-insuring 30202
employer. The application form is not deemed complete until all 30203
the required information is attached thereto. The bureau shall 30204
only accept applications that contain the required information. 30205

(F) The bureau shall review completed applications within a 30206
reasonable time. If the bureau determines to grant an employer the 30207
status as a self-insuring employer, the bureau shall issue a 30208
statement, containing its findings of fact, that is prepared by 30209
the bureau and signed by the administrator. If the bureau 30210
determines not to grant the status as a self-insuring employer, 30211
the bureau shall notify the employer of the determination and 30212
require the employer to continue to pay its full premium into the 30213
state insurance fund. The administrator also shall adopt rules 30214
establishing a minimum level of performance as a criterion for 30215

granting and maintaining the status as a self-insuring employer 30216
and fixing time limits beyond which failure of the self-insuring 30217
employer to provide for the necessary medical examinations and 30218
evaluations may not delay a decision on a claim. 30219

(G) The administrator shall adopt rules setting forth 30220
procedures for auditing the program of self-insuring employers. 30221
The bureau shall conduct the audit upon a random basis or whenever 30222
the bureau has grounds for believing that a self-insuring employer 30223
is not in full compliance with bureau rules or this chapter. 30224

The administrator shall monitor the programs conducted by 30225
self-insuring employers, to ensure compliance with bureau 30226
requirements and for that purpose, shall develop and issue to 30227
self-insuring employers standardized forms for use by the 30228
self-insuring employer in all aspects of the self-insuring 30229
employers' direct compensation program and for reporting of 30230
information to the bureau. 30231

The bureau shall receive and transmit to the self-insuring 30232
employer all complaints concerning any self-insuring employer. In 30233
the case of a complaint against a self-insuring employer, the 30234
administrator shall handle the complaint through the 30235
self-insurance division of the bureau. The bureau shall maintain a 30236
file by employer of all complaints received that relate to the 30237
employer. The bureau shall evaluate each complaint and take 30238
appropriate action. 30239

The administrator shall adopt as a rule a prohibition against 30240
any self-insuring employer from harassing, dismissing, or 30241
otherwise disciplining any employee making a complaint, which rule 30242
shall provide for a financial penalty to be levied by the 30243
administrator payable by the offending self-insuring employer. 30244

(H) For the purpose of making determinations as to whether to 30245
grant status as a self-insuring employer, the administrator may 30246

subscribe to and pay for a credit reporting service that offers 30247
financial and other business information about individual 30248
employers. The costs in connection with the bureau's subscription 30249
or individual reports from the service about an applicant may be 30250
included in the application fee charged employers under this 30251
section. 30252

(I) The administrator, notwithstanding other provisions of 30253
this chapter, may permit a self-insuring employer to resume 30254
payment of premiums to the state insurance fund with appropriate 30255
credit modifications to the employer's basic premium rate as such 30256
rate is determined pursuant to section 4123.29 of the Revised 30257
Code. 30258

(J) On the first day of July of each year, the administrator 30259
shall calculate separately each self-insuring employer's 30260
assessments for the safety and hygiene fund, administrative costs 30261
pursuant to section 4123.342 of the Revised Code, and for the 30262
portion of the surplus fund under division (B) of section 4123.34 30263
of the Revised Code that is not used for handicapped 30264
reimbursement, on the basis of the paid compensation attributable 30265
to the individual self-insuring employer according to the 30266
following calculation: 30267

(1) The total assessment against all self-insuring employers 30268
as a class for each fund and for the administrative costs for the 30269
year that the assessment is being made, as determined by the 30270
administrator, divided by the total amount of paid compensation 30271
for the previous calendar year attributable to all amenable 30272
self-insuring employers; 30273

(2) Multiply the quotient in division (J)(1) of this section 30274
by the total amount of paid compensation for the previous calendar 30275
year that is attributable to the individual self-insuring employer 30276
for whom the assessment is being determined. Each self-insuring 30277
employer shall pay the assessment that results from this 30278

calculation, unless the assessment resulting from this calculation 30279
falls below a minimum assessment, which minimum assessment the 30280
administrator shall determine on the first day of July of each 30281
year with the advice and consent of the workers' compensation 30282
oversight commission, in which event, the self-insuring employer 30283
shall pay the minimum assessment. 30284

In determining the total amount due for the total assessment 30285
against all self-insuring employers as a class for each fund and 30286
the administrative assessment, the administrator shall reduce 30287
proportionately the total for each fund and assessment by the 30288
amount of money in the self-insurance assessment fund as of the 30289
date of the computation of the assessment. 30290

The administrator shall calculate the assessment for the 30291
portion of the surplus fund under division (B) of section 4123.34 30292
of the Revised Code that is used for handicapped reimbursement in 30293
the same manner as set forth in divisions (J)(1) and (2) of this 30294
section except that the administrator shall calculate the total 30295
assessment for this portion of the surplus fund only on the basis 30296
of those self-insuring employers that retain participation in the 30297
handicapped reimbursement program and the individual self-insuring 30298
employer's proportion of paid compensation shall be calculated 30299
only for those self-insuring employers who retain participation in 30300
the handicapped reimbursement program. The administrator, as the 30301
administrator determines appropriate, may determine the total 30302
assessment for the handicapped portion of the surplus fund in 30303
accordance with sound actuarial principles. 30304

The administrator shall calculate the assessment for the 30305
portion of the surplus fund under division (B) of section 4123.34 30306
of the Revised Code that under division (D) of section 4121.66 of 30307
the Revised Code is used for rehabilitation costs in the same 30308
manner as set forth in divisions (J)(1) and (2) of this section, 30309
except that the administrator shall calculate the total assessment 30310

for this portion of the surplus fund only on the basis of those 30311
self-insuring employers who have not made the election to make 30312
payments directly under division (D) of section 4121.66 of the 30313
Revised Code and an individual self-insuring employer's proportion 30314
of paid compensation only for those self-insuring employers who 30315
have not made that election. 30316

The administrator shall calculate the assessment for the 30317
portion of the surplus fund under division (B) of section 4123.34 30318
of the Revised Code that is used for reimbursement to a 30319
self-insuring employer under division (H) of section 4123.512 of 30320
the Revised Code in the same manner as set forth in divisions 30321
(J)(1) and (2) of this section except that the administrator shall 30322
calculate the total assessment for this portion of the surplus 30323
fund only on the basis of those self-insuring employers that 30324
retain participation in reimbursement to the self-insuring 30325
employer under division (H) of section 4123.512 of the Revised 30326
Code and the individual self-insuring employer's proportion of 30327
paid compensation shall be calculated only for those self-insuring 30328
employers who retain participation in reimbursement to the 30329
self-insuring employer under division (H) of section 4123.512 of 30330
the Revised Code. 30331

An employer who no longer is a self-insuring employer in this 30332
state or who no longer is operating in this state, shall continue 30333
to pay assessments for administrative costs and for the portion of 30334
the surplus fund under division (B) of section 4123.34 of the 30335
Revised Code that is not used for handicapped reimbursement, based 30336
upon paid compensation attributable to claims that occurred while 30337
the employer was a self-insuring employer within this state. 30338

(K) There is hereby created in the state treasury the 30339
self-insurance assessment fund. All investment earnings of the 30340
fund shall be deposited in the fund. The administrator shall use 30341
the money in the self-insurance assessment fund only for 30342

administrative costs as specified in section 4123.341 of the Revised Code. 30343
30344

(L) Every self-insuring employer shall certify, in affidavit form subject to the penalty for perjury, to the bureau the amount of the self-insuring employer's paid compensation for the previous calendar year. In reporting paid compensation paid for the previous year, a self-insuring employer shall exclude from the total amount of paid compensation any reimbursement the self-insuring employer receives in the previous calendar year from the surplus fund pursuant to section 4123.512 of the Revised Code for any paid compensation. The self-insuring employer also shall exclude from the paid compensation reported any amount recovered under section 4123.931 of the Revised Code and any amount that is determined not to have been payable to or on behalf of a claimant in any final administrative or judicial proceeding. The self-insuring employer shall exclude such amounts from the paid compensation reported in the reporting period subsequent to the date the determination is made. The administrator shall adopt rules, in accordance with Chapter 119. of the Revised Code, that provide for all of the following: 30345
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(1) Establishing the date by which self-insuring employers must submit such information and the amount of the assessments provided for in division (J) of this section for employers who have been granted self-insuring status within the last calendar year; 30363
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(2) If an employer fails to pay the assessment when due, the administrator may add a late fee penalty of not more than five hundred dollars to the assessment plus an additional penalty amount as follows: 30368
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(a) For an assessment from sixty-one to ninety days past due, the prime interest rate, multiplied by the assessment due; 30372
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(b) For an assessment from ninety-one to one hundred twenty days past due, the prime interest rate plus two per cent, multiplied by the assessment due; 30374
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(c) For an assessment from one hundred twenty-one to one hundred fifty days past due, the prime interest rate plus four per cent, multiplied by the assessment due; 30377
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(d) For an assessment from one hundred fifty-one to one hundred eighty days past due, the prime interest rate plus six per cent, multiplied by the assessment due; 30380
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(e) For an assessment from one hundred eighty-one to two hundred ten days past due, the prime interest rate plus eight per cent, multiplied by the assessment due; 30383
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(f) For each additional thirty-day period or portion thereof that an assessment remains past due after it has remained past due for more than two hundred ten days, the prime interest rate plus eight per cent, multiplied by the assessment due. 30386
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(3) An employer may appeal a late fee penalty and penalty assessment to the administrator. 30390
30391

For purposes of this division, "prime interest rate" means the average bank prime rate, and the administrator shall determine the prime interest rate in the same manner as a county auditor determines the average bank prime rate under section 929.02 of the Revised Code. 30392
30393
30394
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The administrator shall include any assessment and penalties that remain unpaid for previous assessment periods in the calculation and collection of any assessments due under this division or division (J) of this section. 30397
30398
30399
30400

(M) As used in this section, "paid compensation" means all amounts paid by a self-insuring employer for living maintenance benefits, all amounts for compensation paid pursuant to sections 30401
30402
30403

4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 30404
4123.64 of the Revised Code, all amounts paid as wages in lieu of 30405
such compensation, all amounts paid in lieu of such compensation 30406
under a nonoccupational accident and sickness program fully funded 30407
by the self-insuring employer, and all amounts paid by a 30408
self-insuring employer for a violation of a specific safety 30409
standard pursuant to Section 35 of Article II, Ohio Constitution 30410
and section 4121.47 of the Revised Code. 30411

(N) Should any section of this chapter or Chapter 4121. of 30412
the Revised Code providing for self-insuring employers' 30413
assessments based upon compensation paid be declared 30414
unconstitutional by a final decision of any court, then that 30415
section of the Revised Code declared unconstitutional shall revert 30416
back to the section in existence prior to November 3, 1989, 30417
providing for assessments based upon payroll. 30418

(O) The administrator may grant a self-insuring employer the 30419
privilege to self-insure a construction project entered into by 30420
the self-insuring employer that is scheduled for completion within 30421
six years after the date the project begins, and the total cost of 30422
which is estimated to exceed one hundred million dollars or, for 30423
employers described in division (R) of this section, if the 30424
construction project is estimated to exceed twenty-five million 30425
dollars. The administrator may waive such cost and time criteria 30426
and grant a self-insuring employer the privilege to self-insure a 30427
construction project regardless of the time needed to complete the 30428
construction project and provided that the cost of the 30429
construction project is estimated to exceed fifty million dollars. 30430
A self-insuring employer who desires to self-insure a construction 30431
project shall submit to the administrator an application listing 30432
the dates the construction project is scheduled to begin and end, 30433
the estimated cost of the construction project, the contractors 30434
and subcontractors whose employees are to be self-insured by the 30435

self-insuring employer, the provisions of a safety program that is 30436
specifically designed for the construction project, and a 30437
statement as to whether a collective bargaining agreement 30438
governing the rights, duties, and obligations of each of the 30439
parties to the agreement with respect to the construction project 30440
exists between the self-insuring employer and a labor 30441
organization. 30442

A self-insuring employer may apply to self-insure the 30443
employees of either of the following: 30444

(1) All contractors and subcontractors who perform labor or 30445
work or provide materials for the construction project; 30446

(2) All contractors and, at the administrator's discretion, a 30447
substantial number of all the subcontractors who perform labor or 30448
work or provide materials for the construction project. 30449

Upon approval of the application, the administrator shall 30450
mail a certificate granting the privilege to self-insure the 30451
construction project to the self-insuring employer. The 30452
certificate shall contain the name of the self-insuring employer 30453
and the name, address, and telephone number of the self-insuring 30454
employer's representatives who are responsible for administering 30455
workers' compensation claims for the construction project. The 30456
self-insuring employer shall post the certificate in a conspicuous 30457
place at the site of the construction project. 30458

The administrator shall maintain a record of the contractors 30459
and subcontractors whose employees are covered under the 30460
certificate issued to the self-insured employer. A self-insuring 30461
employer immediately shall notify the administrator when any 30462
contractor or subcontractor is added or eliminated from inclusion 30463
under the certificate. 30464

Upon approval of the application, the self-insuring employer 30465
is responsible for the administration and payment of all claims 30466

under this chapter and Chapter 4121. of the Revised Code for the 30467
employees of the contractor and subcontractors covered under the 30468
certificate who receive injuries or are killed in the course of 30469
and arising out of employment on the construction project, or who 30470
contract an occupational disease in the course of employment on 30471
the construction project. For purposes of this chapter and Chapter 30472
4121. of the Revised Code, a claim that is administered and paid 30473
in accordance with this division is considered a claim against the 30474
self-insuring employer listed in the certificate. A contractor or 30475
subcontractor included under the certificate shall report to the 30476
self-insuring employer listed in the certificate, all claims that 30477
arise under this chapter and Chapter 4121. of the Revised Code in 30478
connection with the construction project for which the certificate 30479
is issued. 30480

A self-insuring employer who complies with this division is 30481
entitled to the protections provided under this chapter and 30482
Chapter 4121. of the Revised Code with respect to the employees of 30483
the contractors and subcontractors covered under a certificate 30484
issued under this division for death or injuries that arise out 30485
of, or death, injuries, or occupational diseases that arise in the 30486
course of, those employees' employment on that construction 30487
project, as if the employees were employees of the self-insuring 30488
employer, provided that the self-insuring employer also complies 30489
with this section. No employee of the contractors and 30490
subcontractors covered under a certificate issued under this 30491
division shall be considered the employee of the self-insuring 30492
employer listed in that certificate for any purposes other than 30493
this chapter and Chapter 4121. of the Revised Code. Nothing in 30494
this division gives a self-insuring employer authority to control 30495
the means, manner, or method of employment of the employees of the 30496
contractors and subcontractors covered under a certificate issued 30497
under this division. 30498

The contractors and subcontractors included under a certificate issued under this division are entitled to the protections provided under this chapter and Chapter 4121. of the Revised Code with respect to the contractor's or subcontractor's employees who are employed on the construction project which is the subject of the certificate, for death or injuries that arise out of, or death, injuries, or occupational diseases that arise in the course of, those employees' employment on that construction project.

The contractors and subcontractors included under a certificate issued under this division shall identify in their payroll records the employees who are considered the employees of the self-insuring employer listed in that certificate for purposes of this chapter and Chapter 4121. of the Revised Code, and the amount that those employees earned for employment on the construction project that is the subject of that certificate. Notwithstanding any provision to the contrary under this chapter and Chapter 4121. of the Revised Code, the administrator shall exclude the payroll that is reported for employees who are considered the employees of the self-insuring employer listed in that certificate, and that the employees earned for employment on the construction project that is the subject of that certificate, when determining those contractors' or subcontractors' premiums or assessments required under this chapter and Chapter 4121. of the Revised Code. A self-insuring employer issued a certificate under this division shall include in the amount of paid compensation it reports pursuant to division (L) of this section, the amount of paid compensation the self-insuring employer paid pursuant to this division for the previous calendar year.

Nothing in this division shall be construed as altering the rights of employees under this chapter and Chapter 4121. of the Revised Code as those rights existed prior to September 17, 1996.

Nothing in this division shall be construed as altering the rights 30531
devolved under sections 2305.31 and 4123.82 of the Revised Code as 30532
those rights existed prior to September 17, 1996. 30533

As used in this division, "privilege to self-insure a 30534
construction project" means privilege to pay individually 30535
compensation, and to furnish medical, surgical, nursing, and 30536
hospital services and attention and funeral expenses directly to 30537
injured employees or the dependents of killed employees. 30538

(P) A self-insuring employer whose application is granted 30539
under division (O) of this section shall designate a safety 30540
professional to be responsible for the administration and 30541
enforcement of the safety program that is specifically designed 30542
for the construction project that is the subject of the 30543
application. 30544

A self-insuring employer whose application is granted under 30545
division (O) of this section shall employ an ombudsperson for the 30546
construction project that is the subject of the application. The 30547
ombudsperson shall have experience in workers' compensation or the 30548
construction industry, or both. The ombudsperson shall perform all 30549
of the following duties: 30550

(1) Communicate with and provide information to employees who 30551
are injured in the course of, or whose injury arises out of 30552
employment on the construction project, or who contract an 30553
occupational disease in the course of employment on the 30554
construction project; 30555

(2) Investigate the status of a claim upon the request of an 30556
employee to do so; 30557

(3) Provide information to claimants, third party 30558
administrators, employers, and other persons to assist those 30559
persons in protecting their rights under this chapter and Chapter 30560
4121. of the Revised Code. 30561

A self-insuring employer whose application is granted under 30562
division (O) of this section shall post the name of the safety 30563
professional and the ombudsperson and instructions for contacting 30564
the safety professional and the ombudsperson in a conspicuous 30565
place at the site of the construction project. 30566

(Q) The administrator may consider all of the following when 30567
deciding whether to grant a self-insuring employer the privilege 30568
to self-insure a construction project as provided under division 30569
(O) of this section: 30570

(1) Whether the self-insuring employer has an organizational 30571
plan for the administration of the workers' compensation law; 30572

(2) Whether the safety program that is specifically designed 30573
for the construction project provides for the safety of employees 30574
employed on the construction project, is applicable to all 30575
contractors and subcontractors who perform labor or work or 30576
provide materials for the construction project, and has as a 30577
component, a safety training program that complies with standards 30578
adopted pursuant to the "Occupational Safety and Health Act of 30579
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 30580
management and employee involvement; 30581

(3) Whether granting the privilege to self-insure the 30582
construction project will reduce the costs of the construction 30583
project; 30584

(4) Whether the self-insuring employer has employed an 30585
ombudsperson as required under division (P) of this section; 30586

(5) Whether the self-insuring employer has sufficient surety 30587
to secure the payment of claims for which the self-insuring 30588
employer would be responsible pursuant to the granting of the 30589
privilege to self-insure a construction project under division (O) 30590
of this section. 30591

(R) As used in divisions (O), (P), and (Q), "self-insuring 30592

employer" includes the following employers, whether or not they
have been granted the status of being a self-insuring employer
under division (B) of this section:

(1) A state institution of higher education;

(2) A school district;

(3) A county school financing district;

(4) An educational service center;

(5) A community school established under Chapter 3314. of the
Revised Code.

(S) As used in this section:

(1) "Unvoted debt capacity" means the amount of money that a
public employer may borrow without voter approval of a tax levy;

(2) "State institution of higher education" means the state
universities listed in section 3345.011 of the Revised Code,
community colleges created pursuant to Chapter 3354. of the
Revised Code, university branches created pursuant to Chapter
3355. of the Revised Code, technical colleges created pursuant to
Chapter 3357. of the Revised Code, and state community colleges
created pursuant to Chapter 3358. of the Revised Code.

Sec. 4141.09. (A) There is hereby created an unemployment
compensation fund to be administered by the state without
liability on the part of the state beyond the amounts paid into
the fund and earned by the fund. The unemployment compensation
fund shall consist of all contributions, payments in lieu of
contributions described in sections 4141.241 and 4141.242 of the
Revised Code, reimbursements of the federal share of extended
benefits described in section 4141.301 of the Revised Code,
collected under sections 4141.01 to 4141.46 of the Revised Code,
together with all interest earned upon any moneys deposited with
the secretary of the treasury of the United States to the credit

of the account of this state in the unemployment trust fund 30623
established and maintained pursuant to section 904 of the "Social 30624
Security Act," any property or securities acquired through the use 30625
of moneys belonging to the fund, and all earnings of such property 30626
or securities. The unemployment compensation fund shall be used to 30627
pay benefits and refunds as provided by such sections and for no 30628
other purpose. 30629

(B) The treasurer of state shall be the custodian of the 30630
unemployment compensation fund and shall administer such fund in 30631
accordance with the directions of the director of job and family 30632
services. All disbursements therefrom shall be paid by the 30633
treasurer of state on warrants drawn by the director. Such 30634
warrants may bear the facsimile signature of the director printed 30635
thereon and that of a deputy or other employee of the director 30636
charged with the duty of keeping the account of the unemployment 30637
compensation fund and with the preparation of warrants for the 30638
payment of benefits to the persons entitled thereto. Moneys in the 30639
clearing and benefit accounts shall not be commingled with other 30640
state funds, except as provided in division (C) of this section, 30641
but shall be maintained in separate accounts on the books of the 30642
depository bank. Such money shall be secured by the depository 30643
bank to the same extent and in the same manner as required by 30644
sections 135.01 to 135.21 of the Revised Code; and collateral 30645
pledged for this purpose shall be kept separate and distinct from 30646
any collateral pledged to secure other funds of this state. All 30647
sums recovered for losses sustained by the unemployment 30648
compensation fund shall be deposited therein. The treasurer of 30649
state shall be liable on the treasurer's official bond for the 30650
faithful performance of the treasurer's duties in connection with 30651
the unemployment compensation fund, such liability to exist in 30652
addition to any liability upon any separate bond. 30653

(C) The treasurer of state shall maintain within the 30654

unemployment compensation fund three separate accounts which shall 30655
be a clearing account, ~~an unemployment~~ a trust fund account, and a 30656
benefit account. All moneys payable to the unemployment 30657
compensation fund, upon receipt ~~thereof~~ by the director, shall be 30658
forwarded to the treasurer of state, who shall immediately deposit 30659
them in the clearing account. Refunds of contributions, or 30660
payments in lieu of contributions, payable pursuant to division 30661
(E) of this section may be paid from the clearing account upon 30662
warrants signed by a deputy or other employee of the director 30663
charged with the duty of keeping the record of the clearing 30664
account and with the preparation of warrants for the payment of 30665
refunds to persons entitled thereto. After clearance thereof, all 30666
moneys in the clearing account shall be deposited with the 30667
secretary of the treasury of the United States to the credit of 30668
the account of this state in the unemployment trust fund 30669
established and maintained pursuant to section 904 of the "Social 30670
Security Act," in accordance with requirements of the "Federal 30671
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 30672
3304(a)(3), any law in this state relating to the deposit, 30673
administration, release, or disbursement of moneys in the 30674
possession or custody of this state to the contrary 30675
notwithstanding. The benefit account shall consist of all moneys 30676
requisitioned from this state's account in the unemployment trust 30677
fund. Federal funds, ~~other than funds received by the director~~ 30678
~~under divisions (I) and (J) of this section, received for payment~~ 30679
~~of federal benefits~~ may be deposited, at the director's 30680
discretion, into the benefit account. Any funds deposited into the 30681
benefit account shall be disbursed solely for payment of benefits 30682
under a federal program administered by this state. ~~Moneys so~~ 30683
~~requisitioned shall be used solely for the payment of benefits~~ and 30684
for no other purpose. Moneys in the clearing and benefit accounts 30685
may be deposited by the treasurer of state, under the direction of 30686
the director, in any bank or public depository in which general 30687

funds of the state may be deposited, but no public deposit 30688
insurance charge or premium shall be paid out of the fund. 30689

(D) Moneys shall be requisitioned from this state's account 30690
in the unemployment trust fund solely for the payment of benefits 30691
and in accordance with regulations prescribed by the director. The 30692
director shall requisition from the unemployment trust fund such 30693
amounts, not exceeding the amount standing to this state's account 30694
therein, as are deemed necessary for the payment of benefits for a 30695
reasonable future period. Upon receipt thereof, the treasurer of 30696
state shall deposit such moneys in the benefit account. 30697
Expenditures of such money in the benefit account and refunds from 30698
the clearing account shall not require specific appropriations or 30699
other formal release by state officers of money in their custody. 30700
Any balance of moneys requisitioned from the unemployment trust 30701
fund which remains unclaimed or unpaid in the benefit account 30702
after the expiration of the period for which such sums were 30703
requisitioned shall either be deducted from estimates for and may 30704
be utilized for the payment of benefits during succeeding periods, 30705
or, in the discretion of the director, shall be redeposited with 30706
the secretary of the treasury of the United States to the credit 30707
of this state's account in the unemployment trust fund, as 30708
provided in division (C) of this section. Unclaimed or unpaid 30709
federal funds redeposited with the secretary of the treasury of 30710
the United States shall be credited to the appropriate federal 30711
account. 30712

(E) No claim for an adjustment or a refund on contribution, 30713
payment in lieu of contributions, interest, or forfeiture alleged 30714
to have been erroneously or illegally assessed or collected, or 30715
alleged to have been collected without authority, and no claim for 30716
an adjustment or a refund of any sum alleged to have been 30717
excessive or in any manner wrongfully collected shall be allowed 30718
unless an application, in writing, therefor is made within four 30719

years from the date on which such payment was made. If the 30720
director determines that such contribution, payment in lieu of 30721
contributions, interest, or forfeiture, or any portion thereof, 30722
was erroneously collected, the director shall allow such employer 30723
to make an adjustment thereof without interest in connection with 30724
subsequent contribution payments, or payments in lieu of 30725
contributions, by the employer, or the director may refund said 30726
amount, without interest, from the clearing account of the 30727
unemployment compensation fund, except as provided in division (B) 30728
of section 4141.11 of the Revised Code. For like cause and within 30729
the same period, adjustment or refund may be so made on the 30730
director's own initiative. An overpayment of contribution, payment 30731
in lieu of contributions, interest, or forfeiture for which an 30732
employer has not made application for refund prior to the date of 30733
sale of the employer's business shall accrue to the employer's 30734
successor in interest. 30735

An application for an adjustment or a refund, or any portion 30736
thereof, that is rejected is binding upon the employer unless, 30737
within thirty days after the mailing of a written notice of 30738
rejection to the employer's last known address, or, in the absence 30739
of mailing of such notice, within thirty days after the delivery 30740
of such notice, the employer files an application for a review and 30741
redetermination setting forth the reasons therefor. The director 30742
shall promptly examine the application for review and 30743
redetermination, and if a review is granted, the employer shall be 30744
promptly notified thereof, and shall be granted an opportunity for 30745
a prompt hearing. 30746

(F) If the director finds that contributions have been paid 30747
to the director in error, and that such contributions should have 30748
been paid to a department of another state or of the United States 30749
charged with the administration of an unemployment compensation 30750
law, the director may upon request by such department or upon the 30751

director's own initiative transfer to such department the amount 30752
of such contributions, less any benefits paid to claimants whose 30753
wages were the basis for such contributions. The director may 30754
request and receive from such department any contributions or 30755
adjusted contributions paid in error to such department which 30756
should have been paid to the director. 30757

(G) In accordance with section 303(c)(3) of the Social 30758
Security Act, and section 3304(a)(17) of the Internal Revenue Code 30759
of 1954 for continuing certification of Ohio unemployment 30760
compensation laws for administrative grants and for tax credits, 30761
any interest required to be paid on advances under Title XII of 30762
the Social Security Act shall be paid in a timely manner and shall 30763
not be paid, directly or indirectly, by an equivalent reduction in 30764
the Ohio unemployment taxes or otherwise, by the state from 30765
amounts in the unemployment compensation fund. 30766

(H) The treasurer of state, under the direction of the 30767
director and in accordance with the "Cash Management Improvement 30768
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 30769
amounts of interest earned by the state on funds in the benefit 30770
account established pursuant to division (C) of this section into 30771
the department of job and family services banking fees fund, which 30772
is hereby created in the state treasury for the purpose of paying 30773
related banking costs incurred by the state for the period for 30774
which the interest is calculated, except that if the deposited 30775
interest exceeds the banking costs incurred by the state for the 30776
period for which the interest is calculated, the treasurer of 30777
state shall deposit the excess interest into the unemployment 30778
trust fund. 30779

~~(I) The treasurer of state, under the direction of the 30780
director, shall deposit federal funds received by the director for 30781
the payment of benefits, job search, relocation, transportation, 30782
and subsistence allowances pursuant to the "Trade Act of 1974," 88 30783~~

~~Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American Free Trade Implementation Act of 1993," 107 Stat. 2057, 19 U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 3801, as amended, into the Trade Act benefit account, which is hereby created for the purpose of making payments specified under those acts.~~

~~(J) The treasurer of state, under the direction of the director, shall deposit federal funds received by the director for training and administration and for payment of benefits, job search, relocation, transportation, and subsistence allowances pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American Free Trade Agreement Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 3801, as amended, into the Trade Act training and administration account, which is hereby created for the purpose of making payments specified under those acts. The treasurer of state, under the direction of the director, may transfer funds from the Trade Act training and administration account to the benefit account for the purpose of making any payments directly to claimants for benefits, job search, relocation, transportation, and subsistence allowances, as specified by those acts.~~

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of the Revised Code:

(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces.

(2) "Sale" or "sell" includes exchange, barter, gift, distribution, and, except with respect to A-4 permit holders, offer for sale.

(B) For the purposes of providing revenues for the support of the state and encouraging the grape industries in the state, a tax

is hereby levied on the sale or distribution of wine in Ohio, 30815
except for known sacramental purposes, at the rate of thirty cents 30816
per wine gallon for wine containing not less than four per cent of 30817
alcohol by volume and not more than fourteen per cent of alcohol 30818
by volume, ninety-eight cents per wine gallon for wine containing 30819
more than fourteen per cent but not more than twenty-one per cent 30820
of alcohol by volume, one dollar and eight cents per wine gallon 30821
for vermouth, and one dollar and forty-eight cents per wine gallon 30822
for sparkling and carbonated wine and champagne, the tax to be 30823
paid by the holders of A-2 and B-5 permits or by any other person 30824
selling or distributing wine upon which no tax has been paid. From 30825
the tax paid under this section on wine, vermouth, and sparkling 30826
and carbonated wine and champagne, the treasurer of state shall 30827
credit to the Ohio grape industries fund created under section 30828
924.54 of the Revised Code a sum equal to one cent per gallon for 30829
each gallon upon which the tax is paid. 30830

(C) For the purpose of providing revenues for the support of 30831
the state, there is hereby levied a tax on prepared and bottled 30832
highballs, cocktails, cordials, and other mixed beverages at the 30833
rate of one dollar and twenty cents per wine gallon to be paid by 30834
holders of A-4 permits or by any other person selling or 30835
distributing those products upon which no tax has been paid. Only 30836
one sale of the same article shall be used in computing the amount 30837
of tax due. The tax on mixed beverages to be paid by holders of 30838
A-4 permits under this section shall not attach until the 30839
ownership of the mixed beverage is transferred for valuable 30840
consideration to a wholesaler or retailer, and no payment of the 30841
tax shall be required prior to that time. 30842

(D) During the period of July 1, ~~2005~~ 2007, through June 30, 30843
~~2007~~ 2009, from the tax paid under this section on wine, vermouth, 30844
and sparkling and carbonated wine and champagne, the treasurer of 30845
state shall credit to the Ohio grape industries fund created under 30846

section 924.54 of the Revised Code a sum equal to two cents per 30847
gallon upon which the tax is paid. The amount credited under this 30848
division is in addition to the amount credited to the Ohio grape 30849
industries fund under division (B) of this section. 30850

(E) For the purpose of providing revenues for the support of 30851
the state, there is hereby levied a tax on cider at the rate of 30852
twenty-four cents per wine gallon to be paid by the holders of A-2 30853
and B-5 permits or by any other person selling or distributing 30854
cider upon which no tax has been paid. Only one sale of the same 30855
article shall be used in computing the amount of the tax due. 30856

Sec. 4503.06. (A) The owner of each manufactured or mobile 30857
home that has acquired situs in this state shall pay either a real 30858
property tax pursuant to Title LVIII of the Revised Code or a 30859
manufactured home tax pursuant to division (C) of this section. 30860

(B) The owner of a manufactured or mobile home shall pay real 30861
property taxes if either of the following applies: 30862

(1) The manufactured or mobile home acquired situs in the 30863
state or ownership in the home was transferred on or after January 30864
1, 2000, and all of the following apply: 30865

(a) The home is affixed to a permanent foundation as defined 30866
in division (C)(5) of section 3781.06 of the Revised Code. 30867

(b) The home is located on land that is owned by the owner of 30868
the home. 30869

(c) The certificate of title has been inactivated by the 30870
clerk of the court of common pleas that issued it, pursuant to 30871
division (H) of section 4505.11 of the Revised Code. 30872

(2) The manufactured or mobile home acquired situs in the 30873
state or ownership in the home was transferred before January 1, 30874
2000, and all of the following apply: 30875

(a) The home is affixed to a permanent foundation as defined 30876

in division (C)(5) of section 3781.06 of the Revised Code. 30877

(b) The home is located on land that is owned by the owner of 30878
the home. 30879

(c) The owner of the home has elected to have the home taxed 30880
as real property and, pursuant to section 4505.11 of the Revised 30881
Code, has surrendered the certificate of title to the auditor of 30882
the county containing the taxing district in which the home has 30883
its situs, together with proof that all taxes have been paid. 30884

(d) The county auditor has placed the home on the real 30885
property tax list and delivered the certificate of title to the 30886
clerk of the court of common pleas that issued it and the clerk 30887
has inactivated the certificate. 30888

(C)(1) Any mobile or manufactured home that is not taxed as 30889
real property as provided in division (B) of this section is 30890
subject to an annual manufactured home tax, payable by the owner, 30891
for locating the home in this state. The tax as levied in this 30892
section is for the purpose of supplementing the general revenue 30893
funds of the local subdivisions in which the home has its situs 30894
pursuant to this section. 30895

(2) The year for which the manufactured home tax is levied 30896
commences on the first day of January and ends on the following 30897
thirty-first day of December. The state shall have the first lien 30898
on any manufactured or mobile home on the list for the amount of 30899
taxes, penalties, and interest charged against the owner of the 30900
home under this section. The lien of the state for the tax for a 30901
year shall attach on the first day of January to a home that has 30902
acquired situs on that date. The lien for a home that has not 30903
acquired situs on the first day of January, but that acquires 30904
situs during the year, shall attach on the next first day of 30905
January. The lien shall continue until the tax, including any 30906
penalty or interest, is paid. 30907

(3)(a) The situs of a manufactured or mobile home located in this state on the first day of January is the local taxing district in which the home is located on that date.

(b) The situs of a manufactured or mobile home not located in this state on the first day of January, but located in this state subsequent to that date, is the local taxing district in which the home is located thirty days after it is acquired or first enters this state.

(4) The tax is collected by and paid to the county treasurer of the county containing the taxing district in which the home has its situs.

(D) The manufactured home tax shall be computed and assessed by the county auditor of the county containing the taxing district in which the home has its situs as follows:

(1) On a home that acquired situs in this state prior to January 1, 2000:

(a) By multiplying the assessable value of the home by the tax rate of the taxing district in which the home has its situs, and deducting from the product thus obtained any reduction authorized under section 4503.065 of the Revised Code. The tax levied under this formula shall not be less than thirty-six dollars, unless the home qualifies for a reduction in assessable value under section 4503.065 of the Revised Code, in which case there shall be no minimum tax and the tax shall be the amount calculated under this division.

(b) The assessable value of the home shall be forty per cent of the amount arrived at by the following computation:

(i) If the cost to the owner, or market value at time of purchase, whichever is greater, of the home includes the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

For the first calendar year			30939
in which the			30940
home is owned by the			30941
current owner	x	80%	30942
2nd calendar year	x	75%	30943
3rd "	x	70%	30944
4th "	x	65%	30945
5th "	x	60%	30946
6th "	x	55%	30947
7th "	x	50%	30948
8th "	x	45%	30949
9th "	x	40%	30950
10th and each year thereafter	x	35%	30951

The first calendar year means any period between the first 30952
day of January and the thirty-first day of December of the first 30953
year. 30954

(ii) If the cost to the owner, or market value at the time of 30955
purchase, whichever is greater, of the home does not include the 30956
furnishings and equipment, such cost or market value shall be 30957
multiplied according to the following schedule: 30958

For the first calendar year			30959
in which the			30960
home is owned by the			30961
current owner	x	95%	30962
2nd calendar year	x	90%	30963
3rd "	x	85%	30964
4th "	x	80%	30965
5th "	x	75%	30966
6th "	x	70%	30967
7th "	x	65%	30968
8th "	x	60%	30969
9th "	x	55%	30970

extended for a like period of time. When a delay in the closing of a tax collection period becomes unavoidable, the tax commissioner, upon application by the county auditor and county treasurer, may order the time for payment of taxes to be extended if the tax commissioner determines that penalties have accrued or would otherwise accrue for reasons beyond the control of the taxpayers of the county. The order shall prescribe the final extended date for payment of taxes for that collection period.

(4) After January 1, 1999, the owner of a manufactured or mobile home taxed pursuant to division (D)(1) of this section may elect to have the home taxed pursuant to division (D)(2) of this section by filing a written request with the county auditor of the taxing district in which the home is located on or before the first day of December of any year. Upon the filing of the request, the county auditor shall determine whether all taxes levied under division (D)(1) of this section have been paid, and if those taxes have been paid, the county auditor shall tax the manufactured or mobile home pursuant to division (D)(2) of this section commencing in the next tax year.

(5) A manufactured or mobile home that acquired situs in this state prior to January 1, 2000, shall be taxed pursuant to division (D)(2) of this section if no manufactured home tax had been paid for the home and the home was not exempted from taxation pursuant to division (E) of this section for the year for which the taxes were not paid.

(6)(a) Immediately upon receipt of any manufactured home tax duplicate from the county auditor, but not less than twenty days prior to the last date on which the first one-half taxes may be paid without penalty as prescribed in division (F) of this section, the county treasurer shall cause to be prepared and mailed or delivered to each person charged on that duplicate with taxes, or to an agent designated by such person, the tax bill

prescribed by the tax commissioner under division (D)(7) of this 31035
section. When taxes are paid by installments, the county treasurer 31036
shall mail or deliver to each person charged on such duplicate or 31037
the agent designated by that person a second tax bill showing the 31038
amount due at the time of the second tax collection. The second 31039
half tax bill shall be mailed or delivered at least twenty days 31040
prior to the close of the second half tax collection period. A 31041
change in the mailing address of any tax bill shall be made in 31042
writing to the county treasurer. Failure to receive a bill 31043
required by this section does not excuse failure or delay to pay 31044
any taxes shown on the bill or, except as provided in division 31045
(B)(1) of section 5715.39 of the Revised Code, avoid any penalty, 31046
interest, or charge for such delay. 31047

(b) After delivery of the copy of the delinquent manufactured 31048
home tax list under division (H) of this section, the county 31049
treasurer may prepare and mail to each person in whose name a home 31050
is listed an additional tax bill showing the total amount of 31051
delinquent taxes charged against the home as shown on the list. 31052
The tax bill shall include a notice that the interest charge 31053
prescribed by division (G) of this section has begun to accrue. 31054

(7) Each tax bill prepared and mailed or delivered under 31055
division (D)(6) of this section shall be in the form and contain 31056
the information required by the tax commissioner. The commissioner 31057
may prescribe different forms for each county and may authorize 31058
the county auditor to make up tax bills and tax receipts to be 31059
used by the county treasurer. The tax bill shall not contain or be 31060
mailed or delivered with any information or material that is not 31061
required by this section or that is not authorized by section 31062
321.45 of the Revised Code or by the tax commissioner. In addition 31063
to the information required by the commissioner, each tax bill 31064
shall contain the following information: 31065

(a) The taxes levied and the taxes charged and payable 31066

against the manufactured or mobile home; 31067

(b) The following notice: "Notice: If the taxes are not paid 31068
within sixty days after the county auditor delivers the delinquent 31069
manufactured home tax list to the county treasurer, you and your 31070
home may be subject to collection proceedings for tax 31071
delinquency." Failure to provide such notice has no effect upon 31072
the validity of any tax judgment to which a home may be subjected. 31073

(c) In the case of manufactured or mobile homes taxed under 31074
division (D)(2) of this section, the following additional 31075
information: 31076

(i) The effective tax rate. The words "effective tax rate" 31077
shall appear in boldface type. 31078

(ii) The following notice: "Notice: If the taxes charged 31079
against this home have been reduced by the 2-1/2 per cent tax 31080
reduction for residences occupied by the owner but the home is not 31081
a residence occupied by the owner, the owner must notify the 31082
county auditor's office not later than March 31 of the year for 31083
which the taxes are due. Failure to do so may result in the owner 31084
being convicted of a fourth degree misdemeanor, which is 31085
punishable by imprisonment up to 30 days, a fine up to \$250, or 31086
both, and in the owner having to repay the amount by which the 31087
taxes were erroneously or illegally reduced, plus any interest 31088
that may apply. 31089

If the taxes charged against this home have not been reduced 31090
by the 2-1/2 per cent tax reduction and the home is a residence 31091
occupied by the owner, the home may qualify for the tax reduction. 31092
To obtain an application for the tax reduction or further 31093
information, the owner may contact the county auditor's office at 31094
..... (insert the address and telephone number of the county 31095
auditor's office)." 31096

(E)(1) A manufactured or mobile home is not subject to this 31097

section when any of the following applies: 31098

(a) It is taxable as personal property pursuant to section 31099
5709.01 of the Revised Code. Any manufactured or mobile home that 31100
is used as a residence shall be subject to this section and shall 31101
not be taxable as personal property pursuant to section 5709.01 of 31102
the Revised Code. 31103

(b) It bears a license plate issued by any state other than 31104
this state unless the home is in this state in excess of an 31105
accumulative period of thirty days in any calendar year. 31106

(c) The annual tax has been paid on the home in this state 31107
for the current year. 31108

(d) The tax commissioner has determined, pursuant to section 31109
5715.27 of the Revised Code, that the property is exempt from 31110
taxation, or would be exempt from taxation under Chapter 5709. of 31111
the Revised Code if it were classified as real property. 31112

(2) A travel trailer or park trailer, as these terms are 31113
defined in section 4501.01 of the Revised Code, is not subject to 31114
this section if it is unused or unoccupied and stored at the 31115
owner's normal place of residence or at a recognized storage 31116
facility. 31117

(3) A travel trailer or park trailer, as these terms are 31118
defined in section 4501.01 of the Revised Code, is subject to this 31119
section and shall be taxed as a manufactured or mobile home if it 31120
has a situs longer than thirty days in one location and is 31121
connected to existing utilities, unless either of the following 31122
applies: 31123

(a) The situs is in a state facility or a camping or park 31124
area as defined in division (C), (Q), (S), or (V) of section 31125
3729.01 of the Revised Code. 31126

(b) The situs is in a camping or park area that is a tract of 31127

land that has been limited to recreational use by deed or zoning 31128
restrictions and subdivided for sale of five or more individual 31129
lots for the express or implied purpose of occupancy by either 31130
self-contained recreational vehicles as defined in division (T) of 31131
section 3729.01 of the Revised Code or by dependent recreational 31132
vehicles as defined in division (D) of section 3729.01 of the 31133
Revised Code. 31134

(F) Except as provided in division (D)(3) of this section, 31135
the manufactured home tax is due and payable as follows: 31136

(1) When a manufactured or mobile home has a situs in this 31137
state, as provided in this section, on the first day of January, 31138
one-half of the amount of the tax is due and payable on or before 31139
the first day of March and the balance is due and payable on or 31140
before the thirty-first day of July. At the option of the owner of 31141
the home, the tax for the entire year may be paid in full on the 31142
first day of March. 31143

(2) When a manufactured or mobile home first acquires a situs 31144
in this state after the first day of January, no tax is due and 31145
payable for that year. 31146

(G)(1)(a) Except as otherwise provided in division (G)(1)(b) 31147
of this section, if one-half of the current taxes charged under 31148
this section against a manufactured or mobile home, together with 31149
the full amount of any delinquent taxes, are not paid on or before 31150
the first day of March in that year, or on or before the last day 31151
for such payment as extended pursuant to section 4503.063 of the 31152
Revised Code, a penalty of ten per cent shall be charged against 31153
the unpaid balance of such half of the current taxes. If the total 31154
amount of all such taxes is not paid on or before the thirty-first 31155
day of July, next thereafter, or on or before the last day for 31156
payment as extended pursuant to section 4503.063 of the Revised 31157
Code, a like penalty shall be charged on the balance of the total 31158
amount of the unpaid current taxes. 31159

(b) After a valid delinquent tax contract that includes 31160
unpaid current taxes from a first-half collection period described 31161
in division (F) of this section has been entered into under 31162
section 323.31 of the Revised Code, no ten per cent penalty shall 31163
be charged against such taxes after the second-half collection 31164
period while the delinquent tax contract remains in effect. On the 31165
day a delinquent tax contract becomes void, the ten per cent 31166
penalty shall be charged against such taxes and shall equal the 31167
amount of penalty that would have been charged against unpaid 31168
current taxes outstanding on the date on which the second-half 31169
penalty would have been charged thereon under division (G)(1)(a) 31170
of this section if the contract had not been in effect. 31171

(2)(a) On the first day of the month following the last day 31172
the second installment of taxes may be paid without penalty 31173
beginning in 2000, interest shall be charged against and computed 31174
on all delinquent taxes other than the current taxes that became 31175
delinquent taxes at the close of the last day such second 31176
installment could be paid without penalty. The charge shall be for 31177
interest that accrued during the period that began on the 31178
preceding first day of December and ended on the last day of the 31179
month that included the last date such second installment could be 31180
paid without penalty. The interest shall be computed at the rate 31181
per annum prescribed by section 5703.47 of the Revised Code and 31182
shall be entered as a separate item on the delinquent manufactured 31183
home tax list compiled under division (H) of this section. 31184

(b) On the first day of December beginning in 2000, the 31185
interest shall be charged against and computed on all delinquent 31186
taxes. The charge shall be for interest that accrued during the 31187
period that began on the first day of the month following the last 31188
date prescribed for the payment of the second installment of taxes 31189
in the current year and ended on the immediately preceding last 31190
day of November. The interest shall be computed at the rate per 31191

annum prescribed by section 5703.47 of the Revised Code and shall 31192
be entered as a separate item on the delinquent manufactured home 31193
tax list. 31194

(c) After a valid undertaking has been entered into for the 31195
payment of any delinquent taxes, no interest shall be charged 31196
against such delinquent taxes while the undertaking remains in 31197
effect in compliance with section 323.31 of the Revised Code. If a 31198
valid undertaking becomes void, interest shall be charged against 31199
the delinquent taxes for the periods that interest was not 31200
permitted to be charged while the undertaking was in effect. The 31201
interest shall be charged on the day the undertaking becomes void 31202
and shall equal the amount of interest that would have been 31203
charged against the unpaid delinquent taxes outstanding on the 31204
dates on which interest would have been charged thereon under 31205
divisions (G)(1) and (2) of this section had the undertaking not 31206
been in effect. 31207

(3) If the full amount of the taxes due at either of the 31208
times prescribed by division (F) of this section is paid within 31209
ten days after such time, the county treasurer shall waive the 31210
collection of and the county auditor shall remit one-half of the 31211
penalty provided for in this division for failure to make that 31212
payment by the prescribed time. 31213

(4) The treasurer shall compile and deliver to the county 31214
auditor a list of all tax payments the treasurer has received as 31215
provided in division (G)(3) of this section. The list shall 31216
include any information required by the auditor for the remission 31217
of the penalties waived by the treasurer. The taxes so collected 31218
shall be included in the settlement next succeeding the settlement 31219
then in process. 31220

(H)(1) Beginning in 2000, the county auditor shall compile 31221
annually a "delinquent manufactured home tax list" consisting of 31222
homes the county treasurer's records indicate have taxes that were 31223

not paid within the time prescribed by divisions (D)(3) and (F) of 31224
this section, have taxes that remain unpaid from prior years, or 31225
have unpaid tax penalties or interest that have been assessed. 31226

(2) Within thirty days after the settlement under division 31227
(H)(2) of section 321.24 of the Revised Code beginning in 2000, 31228
the county auditor shall deliver a copy of the delinquent 31229
manufactured home tax list to the county treasurer. The auditor 31230
shall update and publish the delinquent manufactured home tax list 31231
annually in the same manner as delinquent real property tax lists 31232
are published. The county auditor shall apportion the cost of 31233
publishing the list among taxing districts in proportion to the 31234
amount of delinquent manufactured home taxes so published that 31235
each taxing district is entitled to receive upon collection of 31236
those taxes. 31237

(3) When taxes, penalties, or interest are charged against a 31238
person on the delinquent manufactured home tax list and are not 31239
paid within sixty days after the list is delivered to the county 31240
treasurer, the county treasurer shall, in addition to any other 31241
remedy provided by law for the collection of taxes, penalties, and 31242
interest, enforce collection of such taxes, penalties, and 31243
interest by civil action in the name of the treasurer against the 31244
owner for the recovery of the unpaid taxes following the 31245
procedures for the recovery of delinquent real property taxes in 31246
sections 323.25 to 323.28 of the Revised Code. The action may be 31247
brought in municipal or county court, provided the amount charged 31248
does not exceed the monetary limitations for original jurisdiction 31249
for civil actions in those courts. 31250

It is sufficient, having made proper parties to the suit, for 31251
the county treasurer to allege in the treasurer's bill of 31252
particulars or petition that the taxes stand chargeable on the 31253
books of the county treasurer against such person, that they are 31254
due and unpaid, and that such person is indebted in the amount of 31255

taxes appearing to be due the county. The treasurer need not set 31256
forth any other matter relating thereto. If it is found on the 31257
trial of the action that the person is indebted to the state, 31258
judgment shall be rendered in favor of the county treasurer 31259
prosecuting the action. The judgment debtor is not entitled to the 31260
benefit of any law for stay of execution or exemption of property 31261
from levy or sale on execution in the enforcement of the judgment. 31262

Upon the filing of an entry of confirmation of sale or an 31263
order of forfeiture in a proceeding brought under this division, 31264
title to the manufactured or mobile home shall be in the 31265
purchaser. The clerk of courts shall issue a certificate of title 31266
to the purchaser upon presentation of proof of filing of the entry 31267
of confirmation or order and, in the case of a forfeiture, 31268
presentation of the county auditor's certificate of sale. 31269

(I) The total amount of taxes collected shall be distributed 31270
in the following manner: four per cent shall be allowed as 31271
compensation to the county auditor for the county auditor's 31272
service in assessing the taxes; two per cent shall be allowed as 31273
compensation to the county treasurer for the services the county 31274
treasurer renders as a result of the tax levied by this section. 31275
Such amounts shall be paid into the county treasury, to the credit 31276
of the county general revenue fund, on the warrant of the county 31277
auditor. Fees to be paid to the credit of the real estate 31278
assessment fund shall be collected pursuant to division ~~(B)~~(C) of 31279
section 319.54 of the Revised Code and paid into the county 31280
treasury, on the warrant of the county auditor. The balance of the 31281
taxes collected shall be distributed among the taxing subdivisions 31282
of the county in which the taxes are collected and paid in the 31283
same ratio as those taxes were collected for the benefit of the 31284
taxing subdivision. The taxes levied and revenues collected under 31285
this section shall be in lieu of any general property tax and any 31286
tax levied with respect to the privilege of using or occupying a 31287

manufactured or mobile home in this state except as provided in 31288
sections 4503.04 and 5741.02 of the Revised Code. 31289

(J) An agreement to purchase or a bill of sale for a 31290
manufactured home shall show whether or not the furnishings and 31291
equipment are included in the purchase price. 31292

(K) If the county treasurer and the county prosecuting 31293
attorney agree that an item charged on the delinquent manufactured 31294
home tax list is uncollectible, they shall certify that 31295
determination and the reasons to the county board of revision. If 31296
the board determines the amount is uncollectible, it shall certify 31297
its determination to the county auditor, who shall strike the item 31298
from the list. 31299

(L)(1) The county auditor shall appraise at its true value 31300
any manufactured or mobile home in which ownership is transferred 31301
or which first acquires situs in this state on or after January 1, 31302
2000, and any manufactured or mobile home the owner of which has 31303
elected, under division (D)(4) of this section, to have the home 31304
taxed under division (D)(2) of this section. The true value shall 31305
include the value of the home, any additions, and any fixtures, 31306
but not any furnishings in the home. In determining the true value 31307
of a manufactured or mobile home, the auditor shall consider all 31308
facts and circumstances relating to the value of the home, 31309
including its age, its capacity to function as a residence, any 31310
obsolete characteristics, and other factors that may tend to prove 31311
its true value. 31312

(2)(a) If a manufactured or mobile home has been the subject 31313
of an arm's length sale between a willing seller and a willing 31314
buyer within a reasonable length of time prior to the 31315
determination of true value, the county auditor shall consider the 31316
sale price of the home to be the true value for taxation purposes. 31317

(b) The sale price in an arm's length transaction between a 31318

willing seller and a willing buyer shall not be considered the true value of the home if either of the following occurred after the sale:

(i) The home has lost value due to a casualty.

(ii) An addition or fixture has been added to the home.

(3) The county auditor shall have each home viewed and appraised at least once in each six-year period in the same year in which real property in the county is appraised pursuant to Chapter 5713. of the Revised Code, and shall update the appraised values in the third calendar year following the appraisal. The person viewing or appraising a home may enter the home to determine by actual view any additions or fixtures that have been added since the last appraisal. In conducting the appraisals and establishing the true value, the auditor shall follow the procedures set forth for appraising real property in sections 5713.01 and 5713.03 of the Revised Code.

(4) The county auditor shall place the true value of each home on the manufactured home tax list upon completion of an appraisal.

(5)(a) If the county auditor changes the true value of a home, the auditor shall notify the owner of the home in writing, delivered by mail or in person. The notice shall be given at least thirty days prior to the issuance of any tax bill that reflects the change. Failure to receive the notice does not invalidate any proceeding under this section.

(b) Any owner of a home or any other person or party listed in division (A)(1) of section 5715.19 of the Revised Code may file a complaint against the true value of the home as appraised under this section. The complaint shall be filed with the county auditor on or before the thirty-first day of March of the current tax year or the date of closing of the collection for the first half of

manufactured home taxes for the current tax year, whichever is 31350
later. The auditor shall present to the county board of revision 31351
all complaints filed with the auditor under this section. The 31352
board shall hear and investigate the complaint and may take action 31353
on it as provided under sections 5715.11 to 5715.19 of the Revised 31354
Code. 31355

(c) If the county board of revision determines, pursuant to a 31356
complaint against the valuation of a manufactured or mobile home 31357
filed under this section, that the amount of taxes, assessments, 31358
or other charges paid was in excess of the amount due based on the 31359
valuation as finally determined, then the overpayment shall be 31360
refunded in the manner prescribed in section 5715.22 of the 31361
Revised Code. 31362

(d) Payment of all or part of a tax under this section for 31363
any year for which a complaint is pending before the county board 31364
of revision does not abate the complaint or in any way affect the 31365
hearing and determination thereof. 31366

(M) If the county auditor determines that any tax or other 31367
charge or any part thereof has been erroneously charged as a 31368
result of a clerical error as defined in section 319.35 of the 31369
Revised Code, the county auditor shall call the attention of the 31370
county board of revision to the erroneous charges. If the board 31371
finds that the taxes or other charges have been erroneously 31372
charged or collected, it shall certify the finding to the auditor. 31373
Upon receipt of the certification, the auditor shall remove the 31374
erroneous charges on the manufactured home tax list or delinquent 31375
manufactured home tax list in the same manner as is prescribed in 31376
section 319.35 of the Revised Code for erroneous charges against 31377
real property, and refund any erroneous charges that have been 31378
collected, with interest, in the same manner as is prescribed in 31379
section 319.36 of the Revised Code for erroneous charges against 31380
real property. 31381

(N) As used in this section and section 4503.061 of the Revised Code: 31382
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(1) "Manufactured home taxes" includes taxes, penalties, and interest charged under division (C) or (G) of this section and any penalties charged under division (G) or (H)(5) of section 4503.061 of the Revised Code. 31384
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(2) "Current taxes" means all manufactured home taxes charged against a manufactured or mobile home that have not appeared on the manufactured home tax list for any prior year. Current taxes become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty, whether or not they have been certified delinquent. 31388
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(3) "Delinquent taxes" means: 31395

(a) Any manufactured home taxes that were charged against a manufactured or mobile home for a prior year, including any penalties or interest charged for a prior year, and that remain unpaid; 31396
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(b) Any current manufactured home taxes charged against a manufactured or mobile home that remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty, whether or not they have been certified delinquent, including any penalties or interest. 31400
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Sec. 4503.061. (A) All manufactured and mobile homes shall be listed on either the real property tax list or the manufactured home tax list of the county in which the home has situs. Each owner shall follow the procedures in this section to identify the home to the county auditor of the county containing the taxing district in which the home has situs so that the auditor may place the home on the appropriate tax list. 31405
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(B) When a manufactured or mobile home first acquires situs 31412
in this state and is subject to real property taxation pursuant to 31413
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 31414
owner shall present to the auditor of the county containing the 31415
taxing district in which the home has its situs the certificate of 31416
title for the home, together with proof that all taxes due have 31417
been paid and proof that a relocation notice was obtained for the 31418
home if required under this section. Upon receiving the 31419
certificate of title and the required proofs, the auditor shall 31420
place the home on the real property tax list and proceed to treat 31421
the home as other properties on that list. After the auditor has 31422
placed the home on the tax list of real and public utility 31423
property, the auditor shall deliver the certificate of title to 31424
the clerk of the court of common pleas that issued it pursuant to 31425
section 4505.11 of the Revised Code, and the clerk shall 31426
inactivate the certificate of title. 31427

(C)(1) When a manufactured or mobile home subject to a 31428
manufactured home tax is relocated to or first acquires situs in 31429
any county that has adopted a permanent manufactured home 31430
registration system, as provided in division (F) of this section, 31431
the owner, within thirty days after the home is relocated or first 31432
acquires situs under section 4503.06 of the Revised Code, shall 31433
register the home with the county auditor of the county containing 31434
the taxing district in which the home has its situs. For the first 31435
registration in each county of situs, the owner or vendee in 31436
possession shall present to the county auditor an Ohio certificate 31437
of title, certified copy of the certificate of title, or 31438
memorandum certificate of title as such are required by law, and 31439
proof, as required by the county auditor, that the home, if it has 31440
previously been occupied and is being relocated, has been 31441
previously registered, that all taxes due and required to be paid 31442
under division (H)(1) of this section before a relocation notice 31443
may be issued have been paid, and that a relocation notice was 31444

obtained for the home if required by division (H) of this section. 31445
If the owner or vendee does not possess the Ohio certificate of 31446
title, certified copy of the certificate of title, or memorandum 31447
certificate of title at the time the owner or vendee first 31448
registers the home in a county, the county auditor shall register 31449
the home without presentation of the document, but the owner or 31450
vendee shall present the certificate of title, certified copy of 31451
the certificate of title, or memorandum certificate of title to 31452
the county auditor within fourteen days after the owner or vendee 31453
obtains possession of the document. 31454

(2) When a manufactured or mobile home is registered for the 31455
first time in a county and when the total tax due has been paid as 31456
required by division (F) of section 4503.06 of the Revised Code or 31457
divisions (E) and (H) of this section, the county treasurer shall 31458
note by writing or by a stamp on the certificate of title, 31459
certified copy of certificate of title, or memorandum certificate 31460
of title that the home has been registered and that the taxes due, 31461
if any, have been paid for the preceding five years and for the 31462
current year. The treasurer shall then issue a certificate 31463
evidencing registration and a decal to be displayed on the street 31464
side of the home. The certificate is valid in any county in this 31465
state during the year for which it is issued. 31466

(3) For each year thereafter, the county treasurer shall 31467
issue a tax bill stating the amount of tax due under section 31468
4503.06 of the Revised Code, as provided in division (D)(6) of 31469
that section. When the total tax due has been paid as required by 31470
division (F) of that section, the county treasurer shall issue a 31471
certificate evidencing registration that shall be valid in any 31472
county in this state during the year for which the certificate is 31473
issued. 31474

(4) The permanent decal issued under this division is valid 31475
during the period of ownership, except that when a manufactured 31476

home is relocated in another county the owner shall apply for a 31477
new registration as required by this section and section 4503.06 31478
of the Revised Code. 31479

(D)(1) All owners of manufactured or mobile homes subject to 31480
the manufactured home tax being relocated to or having situs in a 31481
county that has not adopted a permanent registration system, as 31482
provided in division (F) of this section, shall register the home 31483
within thirty days after the home is relocated or first acquires 31484
situs under section 4503.06 of the Revised Code and thereafter 31485
shall annually register the home with the county auditor of the 31486
county containing the taxing district in which the home has its 31487
situs. 31488

(2) Upon the annual registration, the county treasurer shall 31489
issue a tax bill stating the amount of annual manufactured home 31490
tax due under section 4503.06 of the Revised Code, as provided in 31491
division (D)(6) of that section. When a manufactured or mobile 31492
home is registered and when the tax for the current one-half year 31493
has been paid as required by division (F) of that section, the 31494
county treasurer shall issue a certificate evidencing registration 31495
and a decal. The certificate and decal are valid in any county in 31496
this state during the year for which they are issued. The decal 31497
shall be displayed on the street side of the home. 31498

(3) For the first annual registration in each county of 31499
situs, the county auditor shall require the owner or vendee to 31500
present an Ohio certificate of title, certified copy of the 31501
certificate of title, or memorandum certificate of title as such 31502
are required by law, and proof, as required by the county auditor, 31503
that the manufactured or mobile home has been previously 31504
registered, if such registration was required, that all taxes due 31505
and required to be paid under division (H)(1) of this section 31506
before a relocation notice may be issued have been paid, and that 31507
a relocation notice was obtained for the home if required by 31508

division (H) of this section. If the owner or vendee does not 31509
possess the Ohio certificate of title, certified copy of the 31510
certificate of title, or memorandum certificate of title at the 31511
time the owner or vendee first registers the home in a county, the 31512
county auditor shall register the home without presentation of the 31513
document, but the owner or vendee shall present the certificate of 31514
title, certified copy of the certificate of title, or memorandum 31515
certificate of title to the county auditor within fourteen days 31516
after the owner or vendee obtains possession of the document. When 31517
the county treasurer receives the tax payment, the county 31518
treasurer shall note by writing or by a stamp on the certificate 31519
of title, certified copy of the certificate of title, or 31520
memorandum certificate of title that the home has been registered 31521
for the current year and that the manufactured home taxes due, if 31522
any, have been paid for the preceding five years and for the 31523
current year. 31524

(4) For subsequent annual registrations, the auditor may 31525
require the owner or vendee in possession to present an Ohio 31526
certificate of title, certified copy of the certificate of title, 31527
or memorandum certificate of title to the county treasurer upon 31528
payment of the manufactured home tax that is due. 31529

(E)(1) Upon the application to transfer ownership of a 31530
manufactured or mobile home for which manufactured home taxes are 31531
paid pursuant to division (C) of section 4503.06 of the Revised 31532
Code the clerk of the court of common pleas shall not issue any 31533
certificate of title that does not contain or have attached both 31534
of the following: 31535

(a) An endorsement of the county treasurer stating that the 31536
home has been registered for each year of ownership and that all 31537
manufactured home taxes imposed pursuant to section 4503.06 of the 31538
Revised Code have been paid or that no tax is due; 31539

(b) An endorsement of the county auditor that the 31540

manufactured home transfer tax imposed pursuant to section 322.06 31541
of the Revised Code and any fees imposed under division ~~(F)~~(G) of 31542
section 319.54 of the Revised Code have been paid. 31543

(2) If all the taxes have not been paid, the clerk shall 31544
notify the vendee to contact the county treasurer of the county 31545
containing the taxing district in which the home has its situs at 31546
the time of the proposed transfer. The county treasurer shall then 31547
collect all the taxes that are due for the year of the transfer 31548
and all previous years not exceeding a total of five years. The 31549
county treasurer shall distribute that part of the collection owed 31550
to the county treasurer of other counties if the home had its 31551
situs in another county during a particular year when the unpaid 31552
tax became due and payable. The burden to prove the situs of the 31553
home in the years that the taxes were not paid is on the 31554
transferor of the home. Upon payment of the taxes, the county 31555
auditor shall remove all remaining taxes from the manufactured 31556
home tax list and the delinquent manufactured home tax list, and 31557
the county treasurer shall release all liens for such taxes. The 31558
clerk of courts shall issue a certificate of title, free and clear 31559
of all liens for manufactured home taxes, to the transferee of the 31560
home. 31561

(3) Once the transfer is complete and the certificate of 31562
title has been issued, the transferee shall register the 31563
manufactured or mobile home pursuant to division (C) or (D) of 31564
this section with the county auditor of the county containing the 31565
taxing district in which the home remains after the transfer or, 31566
if the home is relocated to another county, with the county 31567
auditor of the county to which the home is relocated. The 31568
transferee need not pay the annual tax for the year of acquisition 31569
if the original owner has already paid the annual tax for that 31570
year. 31571

(F) The county auditor may adopt a permanent registration 31572

system and issue a permanent decal with the first registration as 31573
prescribed by the tax commissioner. 31574

(G) When any manufactured or mobile home required to be 31575
registered by this section is not registered, the county auditor 31576
shall impose a penalty of one hundred dollars upon the owner and 31577
deposit the amount to the credit of the county real estate 31578
assessment fund to be used to pay the costs of administering this 31579
section and section 4503.06 of the Revised Code. If unpaid, the 31580
penalty shall constitute a lien on the home and shall be added by 31581
the county auditor to the manufactured home tax list for 31582
collection. 31583

(H)(1) Except as otherwise provided in this division, before 31584
moving a manufactured or mobile home on public roads from one 31585
address within this state to another address within or outside 31586
this state, the owner of the home shall obtain a relocation 31587
notice, as provided by this section, from the auditor of the 31588
county in which the home is located if the home is currently 31589
subject to taxation pursuant to section 4503.06 of the Revised 31590
Code. The auditor shall charge five dollars for the notice, and 31591
deposit the amount to the credit of the county real estate 31592
assessment fund to be used to pay the costs of administering this 31593
section and section 4503.06 of the Revised Code. The auditor shall 31594
not issue a relocation notice unless all taxes owed on the home 31595
under section 4503.06 of the Revised Code that were first charged 31596
to the home during the period of ownership of the owner seeking 31597
the relocation notice have been paid. If the home is being moved 31598
by a new owner of the home or by a party taking repossession of 31599
the home, the auditor shall not issue a relocation notice unless 31600
all of the taxes due for the preceding five years and for the 31601
current year have been paid. A relocation notice issued by a 31602
county auditor is valid until the last day of December of the year 31603
in which it was issued. 31604

If the home is being moved by a sheriff, police officer, constable, bailiff, or manufactured home park operator, as defined in section 3733.01 of the Revised Code, or any agent of any of these persons, for purposes of removal from a manufactured home park and storage, sale, or destruction under section 1923.14 of the Revised Code, the auditor shall issue a relocation notice without requiring payment of any taxes owed on the home under section 4503.06 of the Revised Code.

(2) If a manufactured or mobile home is not yet subject to taxation under section 4503.06 of the Revised Code, the owner of the home shall obtain a relocation notice from the dealer of the home. Within thirty days after the manufactured or mobile home is purchased, the dealer of the home shall provide the auditor of the county in which the home is to be located written notice of the name of the purchaser of the home, the registration number or vehicle identification number of the home, and the address or location to which the home is to be moved. The county auditor shall provide to each manufactured and mobile home dealer, without charge, a supply of relocation notices to be distributed to purchasers pursuant to this section.

(3) The notice shall be in the form of a one-foot square yellow sign with the words "manufactured home relocation notice" printed prominently on it. The name of the owner of the home, the home's registration number or vehicle identification number, the county and the address or location to which the home is being moved, and the county in which the notice is issued shall also be entered on the notice.

(4) The relocation notice must be attached to the rear of the home when the home is being moved on a public road. Except as provided in divisions (H)(1) and (5) of this section, no person shall drive a motor vehicle moving a manufactured or mobile home on a public road from one address to another address within this

state unless a relocation notice is attached to the rear of the 31637
home. 31638

(5) If the county auditor determines that a manufactured or 31639
mobile home has been moved without a relocation notice as required 31640
under this division, the auditor shall impose a penalty of one 31641
hundred dollars upon the owner of the home and upon the person who 31642
moved the home and deposit the amount to the credit of the county 31643
real estate assessment fund to pay the costs of administering this 31644
section and section 4503.06 of the Revised Code. If the home was 31645
relocated from one county in this state to another county in this 31646
state and the county auditor of the county to which the home was 31647
relocated imposes the penalty, that county auditor, upon 31648
collection of the penalty, shall cause an amount equal to the 31649
penalty to be transmitted from the county real estate assessment 31650
fund to the county auditor of the county from which the home was 31651
relocated, who shall deposit the amount to the credit of the 31652
county real estate assessment fund. If the penalty on the owner is 31653
unpaid, the penalty shall constitute a lien on the home and the 31654
auditor shall add the penalty to the manufactured home tax list 31655
for collection. If the county auditor determines that a dealer 31656
that has sold a manufactured or mobile home has failed to timely 31657
provide the information required under this division, the auditor 31658
shall impose a penalty upon the dealer in the amount of one 31659
hundred dollars. The penalty shall be credited to the county real 31660
estate assessment fund and used to pay the costs of administering 31661
this section and section 4503.06 of the Revised Code. 31662

(I) Whoever violates division (H)(4) of this section is 31663
guilty of a minor misdemeanor. 31664

Sec. 4503.064. As used in sections 4503.064 to 4503.069 of 31665
the Revised Code: 31666

(A) "Sixty-five years of age or older" means a person who 31667

will be age sixty-five or older in the calendar year following the 31668
year of application for reduction in the assessable value of the 31669
person's manufactured or mobile home. 31670

~~(B) "Total income" means the adjusted gross income of the 31671
owner and the owner's spouse for the year preceding the year in 31672
which application for a reduction in taxes is made, as determined 31673
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 31674
U.S.C.A. 1, as amended, adjusted as follows: 31675~~

~~(1) Subtract the amount of disability benefits included in 31676
adjusted gross income but not to exceed five thousand two hundred 31677
dollars; 31678~~

~~(2) Add old age and survivors benefits received pursuant to 31679
the "Social Security Act" that are not included in adjusted gross 31680
income; 31681~~

~~(3) Add retirement, pension, annuity, or other retirement 31682
payments or benefits not included in adjusted gross income; 31683~~

~~(4) Add tier I and II railroad retirement benefits received 31684
pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C. 31685
228; 31686~~

~~(5) Add interest on federal, state, and local government 31687
obligations; 31688~~

~~(6) For a person who received the homestead exemption for a 31689
prior year on the basis of being permanently and totally disabled 31690
and whose current application for the exemption is made on the 31691
basis of age, subtract the following amount: 31692~~

~~(a) If the person received disability benefits that were not 31693
included in adjusted gross income in the year preceding the first 31694
year in which the person applied for the exemption on the basis of 31695
age, subtract an amount equal to the disability benefits the 31696
person received in that preceding year, to the extent included in 31697~~

~~total income in the current year and not subtracted under division (B)(1) of this section in the current year;~~ 31698
31699

~~(b) If the person received disability benefits that were included in adjusted gross income in the year preceding the first year in which the person applied for the exemption on the basis of age, subtract an amount equal to the amount of disability benefits that were subtracted pursuant to division (B)(1) of this section in that preceding year, to the extent included in total income in the current year and not subtracted under division (B)(1) of this section in the current year.~~ 31700
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~~Disability benefits that are paid by the department of veterans affairs or a branch of the armed forces of the United States on account of an injury or disability shall not be included in total income.~~ 31708
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~~(C) "Old age and survivors benefits received pursuant to the 'Social Security Act'" or "tier I railroad retirement benefits received pursuant to the 'Railroad Retirement Act'" means:~~ 31712
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~~(1) The old age benefits payable under the social security or railroad retirement laws in effect on the last day of the calendar year preceding the year in which the applicant's application for reduction is first successfully made, or, if no such benefits are payable that year, old age benefits payable the first succeeding year in which old age benefits under the social security or railroad retirement laws are payable, except in those cases where a change in social security or railroad retirement benefits results in a reduction in income.~~ 31715
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~~(2) The lesser of:~~ 31724

~~(a) Survivors benefits payable under the social security or railroad retirement laws in effect on the last day of the calendar year preceding the year in which the applicant's application for reduction is first successfully made, or, if no such benefits are~~ 31725
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~~payable that year, survivors benefits payable the first succeeding year in which survivors benefits are payable; or~~ 31729
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~~(b) Old age benefits of the deceased spouse, as determined under division (C)(1) of this section, upon which the surviving spouse's survivors benefits are based under the social security or railroad retirement laws, except in those cases where a change in benefits would cause a reduction in income.~~ 31731
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~~Survivors benefits are those described in division (C)(2)(b) of this section only if the deceased spouse received old age benefits in the year in which the deceased died. If the deceased spouse did not receive old age benefits in the year in which the deceased died, then survivors benefits are those described in division (C)(2)(a) of this section.~~ 31736
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~~(D) "Permanently and totally disabled" means a person who, on the first day of January of the year of application, including late application, for reduction in the assessable value of a manufactured or mobile home, has some impairment in body or mind that makes the person unable to work at any substantially remunerative employment which the person is reasonably able to perform and which will, with reasonable probability, continue for an indefinite period of at least twelve months without any present indication of recovery therefrom or has been certified as permanently and totally disabled by a state or federal agency having the function of so classifying persons.~~ 31742
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~~(E)(C) "Homestead exemption" means the reduction in taxes allowed under division (A) of section 323.152 of the Revised Code for the year in which an application is filed under section 4503.066 of the Revised Code.~~ 31753
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~~(F)(D) "Manufactured home" has the meaning given in division (C)(4) of section 3781.06 of the Revised Code, and includes a structure consisting of two manufactured homes that were purchased~~ 31757
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either together or separately and are combined to form a single dwelling, but does not include a manufactured home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code.

~~(G)~~(E) "Mobile home" has the meaning given in division (O) of section 4501.01 of the Revised Code and includes a structure consisting of two mobile homes that were purchased together or separately and combined to form a single dwelling, but does not include a mobile home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code.

~~(H)~~(F) "Late application" means an application filed with an original application under division (A)(3) of section 4503.066 of the Revised Code.

Sec. 4503.065. (A) This section applies to any of the following:

- (1) An individual who is permanently and totally disabled;
- (2) An individual who is sixty-five years of age or older;
- (3) An individual who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in assessable value under this section in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(B)~~(1)~~ The manufactured home tax on a manufactured or mobile home that is paid pursuant to division (C) of section 4503.06 of the Revised Code and that is owned and occupied as a home by an individual whose domicile is in this state and to whom this section applies, shall be reduced for any tax year for which the owner obtains a certificate of reduction from the county auditor

under section 4503.067 of the Revised Code, provided the 31790
individual did not acquire ownership from a person, other than the 31791
individual's spouse, related by consanguinity or affinity for the 31792
purpose of qualifying for the reduction ~~in assessable value~~. An 31793
owner includes a settlor of a revocable inter vivos trust holding 31794
the title to a manufactured or mobile home occupied by the settlor 31795
as of right under the trust. The reduction shall equal the ~~amount~~ 31796
~~obtained by multiplying the tax rate for the tax year for which~~ 31797
~~the certificate is issued by the reduction in assessable value~~ 31798
~~shown in the following schedule.~~ 31799

	Reduce Assessable Value	
Total Income	by the Lesser of:	
	Column A	Column B
\$11,900 or less	\$5,000 or seventy five per cent	31803
More than \$11,900 but not more than \$17,500	\$3,000 or sixty per cent	31804
More than \$17,500 but not more than \$23,000	\$1,000 or twenty five per cent	31805
More than \$23,000	-0-	31806

~~(2) Each calendar year, the tax commissioner shall adjust the 31807
foregoing schedule by completing the following calculations in 31808
September of each year:~~ 31809

~~(a) Determine the percentage increase in the gross domestic 31810
product deflator determined by the bureau of economic analysis of 31811
the United States department of commerce from the first day of 31812
January of the preceding calendar year to the last day of December 31813
of the preceding calendar year;~~ 31814

~~(b) Multiply that percentage increase by each of the total 31815
income amounts, and by each dollar amount by which assessable 31816
value is reduced, for the ensuing tax year;~~ 31817

~~(c) Add the resulting product to each of the total income 31818
amounts, and to each of the dollar amounts by which assessable 31819~~

~~value is reduced, for the ensuing tax year;~~ 31820

~~(d)(i) Except as provided in division (B)(2)(d)(ii) of this section, round the resulting sum to the nearest multiple of one hundred dollars;~~ 31821
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~~(ii) If rounding the resulting sum to the nearest multiple of one hundred dollars under division (B)(2)(d)(i) of this section does not increase the dollar amounts by which assessable value is reduced, the resulting sum instead shall be rounded to the nearest multiple of ten dollars.~~ 31824
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~~The commissioner shall certify the amounts resulting from the adjustment to each county auditor not later than the first day of December each year. The certified amounts apply to the second ensuing tax year. The commissioner shall not make the adjustment in any calendar year in which the amounts resulting from the adjustment would be less than the total income amounts, or less than the dollar amounts by which assessable value is reduced, for the ensuing tax year greater of the reduction granted for tax year 2006, if the taxpayer received a reduction for tax year 2006, or the product of the following:~~ 31829
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~~(1) Twenty-five thousand dollars of the true value of the property in money;~~ 31839
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~~(2) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;~~ 31841
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~~(3) The effective tax rate on residential/agricultural real property, where "effective tax rate" is defined as in division (B)(3) of section 319.301 of the Revised Code, and where "residential/agricultural real property" is defined as in section 5713.041 of the Revised Code.~~ 31844
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~~(C) If the owner or the spouse of the owner of a manufactured or mobile home is eligible for a homestead exemption on the land~~ 31849
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upon which the home is located, the reduction ~~in assessable value~~ 31851
to which the owner or spouse is entitled under this section shall 31852
not exceed the difference between the reduction ~~in assessable~~ 31853
~~value~~ to which the owner or spouse is entitled under ~~column A of~~ 31854
~~the above schedule~~ division (B) of this section and the amount of 31855
the reduction ~~in taxable value that was used to compute~~ under the 31856
homestead exemption. 31857

(D) No reduction shall be made ~~on the assessable value of~~ 31858
with respect to the home of any person convicted of violating 31859
division (C) or (D) of section 4503.066 of the Revised Code for a 31860
period of three years following the conviction. 31861

Sec. 4503.066. (A)(1) To obtain a tax reduction ~~in the~~ 31862
~~assessable value of a manufactured or mobile home~~ under section 31863
4503.065 of the Revised Code, the owner of the home shall file an 31864
application with the county auditor of the county in which the 31865
home is located. An application for reduction in ~~assessable value~~ 31866
taxes based upon a physical disability shall be accompanied by a 31867
certificate signed by a physician, and an application for 31868
reduction in ~~assessable value~~ taxes based upon a mental disability 31869
shall be accompanied by a certificate signed by a physician or 31870
psychologist licensed to practice in this state. The certificate 31871
shall attest to the fact that the applicant is permanently and 31872
totally disabled, shall be in a form that the department of 31873
taxation requires, and shall include the definition of totally and 31874
permanently disabled as set forth in section 4503.064 of the 31875
Revised Code. An application for reduction in ~~assessable value~~ 31876
taxes based upon a disability certified as permanent and total by 31877
a state or federal agency having the function of so classifying 31878
persons shall be accompanied by a certificate from that agency. 31879

(2) Each application shall constitute a continuing 31880
application for a reduction in ~~assessable value~~ taxes for each 31881

year in which the manufactured or mobile home is occupied by the applicant and in which the amount of the reduction in assessable value does not exceed either the amount or per cent of the reduction for the year in which the application was first filed. Failure to receive a new application or notification under division (B) of this section after a certificate of reduction has been issued under section 4503.067 of the Revised Code is prima-facie evidence that the original applicant is entitled to the reduction in assessable value calculated on the basis of the information contained in the original application. The original application and any subsequent application shall be in the form of a signed statement and shall be filed not later than the first Monday in June. The statement shall be on a form, devised and supplied by the tax commissioner, that shall require no more information than is necessary to establish the applicant's eligibility for the reduction in assessable value taxes and the amount of the reduction to which the applicant is entitled. ~~The form shall contain a statement that signing such application constitutes a delegation of authority by the applicant to the county auditor to examine any financial records that relate to income earned by the applicant as stated on the application for the purpose of determining eligibility under, or possible violation of, division (C) or (D) of this section.~~ The form also shall contain a statement that conviction of willfully falsifying information to obtain a reduction in assessable value taxes or failing to comply with division (B) of this section shall result in the revocation of the right to the reduction for a period of three years.

(3) A late application for a reduction in assessable value taxes for the year preceding the year for which an original application is filed may be filed with an original application. If the auditor determines that the information contained in the late application is correct, the auditor shall determine both the

amount of the reduction in ~~assessable value~~ taxes to which the 31915
applicant would have been entitled for the current tax year had 31916
the application been timely filed and approved in the preceding 31917
year, and the amount the taxes levied under section 4503.06 of the 31918
Revised Code for the current year would have been reduced as a 31919
result of the reduction ~~in assessable value~~. When an applicant is 31920
permanently and totally disabled on the first day of January of 31921
the year in which the applicant files a late application, the 31922
auditor, in making the determination of the amounts of the 31923
reduction in ~~assessable value~~ and taxes under division (A)(3) of 31924
this section, is not required to determine that the applicant was 31925
permanently and totally disabled on the first day of January of 31926
the preceding year. 31927

The amount of the reduction in taxes pursuant to a late 31928
application shall be treated as an overpayment of taxes by the 31929
applicant. The auditor shall credit the amount of the overpayment 31930
against the amount of the taxes or penalties then due from the 31931
applicant, and, at the next succeeding settlement, the amount of 31932
the credit shall be deducted from the amount of any taxes or 31933
penalties distributable to the county or any taxing unit in the 31934
county that has received the benefit of the taxes or penalties 31935
previously overpaid, in proportion to the benefits previously 31936
received. If, after the credit has been made, there remains a 31937
balance of the overpayment, or if there are no taxes or penalties 31938
due from the applicant, the auditor shall refund that balance to 31939
the applicant by a warrant drawn on the county treasurer in favor 31940
of the applicant. The treasurer shall pay the warrant from the 31941
general fund of the county. If there is insufficient money in the 31942
general fund to make the payment, the treasurer shall pay the 31943
warrant out of any undivided manufactured or mobile home taxes 31944
subsequently received by the treasurer for distribution to the 31945
county or taxing district in the county that received the benefit 31946
of the overpaid taxes, in proportion to the benefits previously 31947

received, and the amount paid from the undivided funds shall be 31948
deducted from the money otherwise distributable to the county or 31949
taxing district in the county at the next or any succeeding 31950
distribution. At the next or any succeeding distribution after 31951
making the refund, the treasurer shall reimburse the general fund 31952
for any payment made from that fund by deducting the amount of 31953
that payment from the money distributable to the county or other 31954
taxing unit in the county that has received the benefit of the 31955
taxes, in proportion to the benefits previously received. On the 31956
second Monday in September of each year, the county auditor shall 31957
certify the total amount of the reductions in taxes made in the 31958
current year under division (A)(3) of this section to the tax 31959
commissioner who shall treat that amount as a reduction in taxes 31960
for the current tax year and shall make reimbursement to the 31961
county of that amount in the manner prescribed in section 4503.068 31962
of the Revised Code, from moneys appropriated for that purpose. 31963

(B) If in any year after an application has been filed under 31964
division (A) of this section the owner no longer qualifies for the 31965
reduction in ~~assessable value~~ taxes for which the owner was issued 31966
a certificate ~~or qualifies for a reduction that is less than~~ 31967
~~either the per cent or amount of the reduction to which the owner~~ 31968
~~was entitled in the year the application was filed,~~ the owner 31969
shall notify the county auditor that the owner is not qualified 31970
for a reduction in ~~the assessable value of the home or file a new~~ 31971
~~application under division (A) of this section~~ taxes. 31972

During January of each year, the county auditor shall furnish 31973
each person issued a certificate of reduction ~~in value,~~ by 31974
ordinary mail, a form on which to report any ~~changes in total~~ 31975
~~income that would have the effect of increasing or decreasing the~~ 31976
~~reduction to which the person is entitled,~~ changes in ownership of 31977
the home, including changes in or revocation of a revocable inter 31978
vivos trust, changes in disability, and other changes in the 31979

information earlier furnished the auditor relative to the 31980
application. ~~The form shall be completed and returned to the~~ 31981
~~auditor not later than the first Monday in June if the changes~~ 31982
~~would affect the level of reduction in assessable value.~~ 31983

(C) No person shall knowingly make a false statement for the 31984
purpose of obtaining a reduction in ~~assessable value~~ taxes under 31985
section 4503.065 of the Revised Code. 31986

(D) No person shall knowingly fail to notify the county 31987
auditor of any change required by division (B) of this section 31988
that has the effect of maintaining or securing a reduction in 31989
~~assessable value of the home in excess of the reduction allowed~~ 31990
taxes under section 4503.065 of the Revised Code. 31991

(E) No person shall knowingly make a false statement or 31992
certification attesting to any person's physical or mental 31993
condition for purposes of qualifying such person for tax relief 31994
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 31995

(F) Whoever violates division (C), (D), or (E) of this 31996
section is guilty of a misdemeanor of the fourth degree. 31997

Sec. 4503.067. (A) At the same time the tax bill for the 31998
first half of the tax year is issued, the county auditor shall 31999
issue a certificate of reduction in ~~assessable value of~~ taxes for 32000
a manufactured or mobile home in triplicate for each person who 32001
has complied with section 4503.066 of the Revised Code and been 32002
found by the auditor to be entitled to a reduction ~~of assessable~~ 32003
value in taxes for the succeeding tax year. The certificate shall 32004
set forth the ~~assessable value of the home calculated under~~ 32005
~~section 4503.06 of the Revised Code and the amount of the~~ 32006
reduction in ~~assessable value of the home~~ taxes calculated under 32007
section 4503.065 of the Revised Code. Upon issuance of the 32008
certificate, the auditor shall reduce the ~~assessable value of~~ 32009
manufactured home tax levied on the home for the succeeding tax 32010

year by the required amount and forward the original and one copy 32011
of the certificate to the county treasurer. The auditor shall 32012
retain one copy of the certificate. The treasurer shall retain the 32013
original certificate and forward the remaining copy to the 32014
recipient with the tax bill delivered pursuant to division (D)(6) 32015
of section 4503.06 of the Revised Code. 32016

(B) If the application or a continuing application is not 32017
approved, the auditor shall notify the applicant of the reasons 32018
for denial no later than the first Monday in October. If a person 32019
believes that the person's application for reduction in ~~assessable~~ 32020
~~value of a home~~ taxes has been improperly denied or is for less 32021
than that to which the person is entitled, the person may file an 32022
appeal with the county board of revision no later than the 32023
thirty-first day of January of the following calendar year. The 32024
appeal shall be treated in the same manner as a complaint relating 32025
to the valuation or assessment of real property under Chapter 32026
5715. of the Revised Code. 32027

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 32028
motorcycle, and all-purpose vehicle required to be registered 32029
under section 4519.02 of the Revised Code shall file an 32030
application for registration under section 4519.03 of the Revised 32031
Code. The owner of a motor vehicle, other than a snowmobile, 32032
off-highway motorcycle, or all-purpose vehicle, that is not 32033
designed and constructed by the manufacturer for operation on a 32034
street or highway may not register it under this chapter except 32035
upon certification of inspection pursuant to section 4513.02 of 32036
the Revised Code by the sheriff, or the chief of police of the 32037
municipal corporation or township, with jurisdiction over the 32038
political subdivision in which the owner of the motor vehicle 32039
resides. Except as provided in section 4503.103 of the Revised 32040
Code, every owner of every other motor vehicle not previously 32041

described in this section and every person mentioned as owner in 32042
the last certificate of title of a motor vehicle that is operated 32043
or driven upon the public roads or highways shall cause to be 32044
filed each year, by mail or otherwise, in the office of the 32045
registrar of motor vehicles or a deputy registrar, a written or 32046
electronic application or a preprinted registration renewal notice 32047
issued under section 4503.102 of the Revised Code, the form of 32048
which shall be prescribed by the registrar, for registration for 32049
the following registration year, which shall begin on the first 32050
day of January of every calendar year and end on the thirty-first 32051
day of December in the same year. Applications for registration 32052
and registration renewal notices shall be filed at the times 32053
established by the registrar pursuant to section 4503.101 of the 32054
Revised Code. A motor vehicle owner also may elect to apply for or 32055
renew a motor vehicle registration by electronic means using 32056
electronic signature in accordance with rules adopted by the 32057
registrar. Except as provided in division (J) of this section, 32058
applications for registration shall be made on blanks furnished by 32059
the registrar for that purpose, containing the following 32060
information: 32061

(1) A brief description of the motor vehicle to be 32062
registered, including the year, make, model, and vehicle 32063
identification number, and, in the case of commercial cars, the 32064
gross weight of the vehicle fully equipped computed in the manner 32065
prescribed in section 4503.08 of the Revised Code; 32066

(2) The name and residence address of the owner, and the 32067
township and municipal corporation in which the owner resides; 32068

(3) The district of registration, which shall be determined 32069
as follows: 32070

(a) In case the motor vehicle to be registered is used for 32071
hire or principally in connection with any established business or 32072
branch business, conducted at a particular place, the district of 32073

registration is the municipal corporation in which that place is 32074
located or, if not located in any municipal corporation, the 32075
county and township in which that place is located. 32076

(b) In case the vehicle is not so used, the district of 32077
registration is the municipal corporation or county in which the 32078
owner resides at the time of making the application. 32079

(4) Whether the motor vehicle is a new or used motor vehicle; 32080

(5) The date of purchase of the motor vehicle; 32081

(6) Whether the fees required to be paid for the registration 32082
or transfer of the motor vehicle, during the preceding 32083
registration year and during the preceding period of the current 32084
registration year, have been paid. Each application for 32085
registration shall be signed by the owner, either manually or by 32086
electronic signature, or pursuant to obtaining a limited power of 32087
attorney authorized by the registrar for registration, or other 32088
document authorizing such signature. If the owner elects to apply 32089
for or renew the motor vehicle registration with the registrar by 32090
electronic means, the owner's manual signature is not required. 32091

(7) The owner's social security number, if assigned, or, 32092
where a motor vehicle to be registered is used for hire or 32093
principally in connection with any established business, the 32094
owner's federal taxpayer identification number. The bureau of 32095
motor vehicles shall retain in its records all social security 32096
numbers provided under this section, but the bureau shall not 32097
place social security numbers on motor vehicle certificates of 32098
registration. 32099

(B) Except as otherwise provided in this division, each time 32100
an applicant first registers a motor vehicle in the applicant's 32101
name, the applicant shall present for inspection a physical 32102
certificate of title or memorandum certificate showing title to 32103
the motor vehicle to be registered in the name of the applicant if 32104

a physical certificate of title or memorandum certificate has been 32105
issued by a clerk of a court of common pleas. If, under sections 32106
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 32107
instead has issued an electronic certificate of title for the 32108
applicant's motor vehicle, that certificate may be presented for 32109
inspection at the time of first registration in a manner 32110
prescribed by rules adopted by the registrar. An applicant is not 32111
required to present a certificate of title to an electronic motor 32112
vehicle dealer acting as a limited authority deputy registrar in 32113
accordance with rules adopted by the registrar. When a motor 32114
vehicle inspection and maintenance program is in effect under 32115
section 3704.14 of the Revised Code and rules adopted under it, 32116
each application for registration for a vehicle required to be 32117
inspected under that section and those rules shall be accompanied 32118
by an inspection certificate for the motor vehicle issued in 32119
accordance with that section. The application shall be refused if 32120
any of the following applies: 32121

(1) The application is not in proper form. 32122

(2) The application is prohibited from being accepted by 32123
division (D) of section 2935.27, division (A) of section 2937.221, 32124
division (A) of section 4503.13, division (B) of section 4510.22, 32125
or division (B)(1) of section 4521.10 of the Revised Code. 32126

(3) A certificate of title or memorandum certificate of title 32127
is required but does not accompany the application or, in the case 32128
of an electronic certificate of title, is required but is not 32129
presented in a manner prescribed by the registrar's rules. 32130

(4) All registration and transfer fees for the motor vehicle, 32131
for the preceding year or the preceding period of the current 32132
registration year, have not been paid. 32133

(5) The owner or lessee does not have an inspection 32134
certificate for the motor vehicle as provided in section 3704.14 32135

of the Revised Code, and rules adopted under it, if that section 32136
is applicable. 32137

This section does not require the payment of license or 32138
registration taxes on a motor vehicle for any preceding year, or 32139
for any preceding period of a year, if the motor vehicle was not 32140
taxable for that preceding year or period under sections 4503.02, 32141
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 32142
Revised Code. When a certificate of registration is issued upon 32143
the first registration of a motor vehicle by or on behalf of the 32144
owner, the official issuing the certificate shall indicate the 32145
issuance with a stamp on the certificate of title or memorandum 32146
certificate or, in the case of an electronic certificate of title, 32147
an electronic stamp or other notation as specified in rules 32148
adopted by the registrar, and with a stamp on the inspection 32149
certificate for the motor vehicle, if any. The official also shall 32150
indicate, by a stamp or by other means the registrar prescribes, 32151
on the registration certificate issued upon the first registration 32152
of a motor vehicle by or on behalf of the owner the odometer 32153
reading of the motor vehicle as shown in the odometer statement 32154
included in or attached to the certificate of title. Upon each 32155
subsequent registration of the motor vehicle by or on behalf of 32156
the same owner, the official also shall so indicate the odometer 32157
reading of the motor vehicle as shown on the immediately preceding 32158
certificate of registration. 32159

The registrar shall include in the permanent registration 32160
record of any vehicle required to be inspected under section 32161
3704.14 of the Revised Code the inspection certificate number from 32162
the inspection certificate that is presented at the time of 32163
registration of the vehicle as required under this division. 32164

(C)(1) Commencing with each registration renewal with an 32165
expiration date on or after October 1, 2003, and for each initial 32166
application for registration received on and after that date, the 32167

registrar and each deputy registrar shall collect an additional 32168
fee of eleven dollars for each application for registration and 32169
registration renewal received. The additional fee is for the 32170
purpose of defraying the department of public safety's costs 32171
associated with the administration and enforcement of the motor 32172
vehicle and traffic laws of Ohio. Each deputy registrar shall 32173
transmit the fees collected under division (C)(1) of this section 32174
in the time and manner provided in this section. The registrar 32175
shall deposit all moneys received under division (C)(1) of this 32176
section into the state highway safety fund established in section 32177
4501.06 of the Revised Code. 32178

(2) In addition, a charge of twenty-five cents shall be made 32179
for each reflectorized safety license plate issued, and a single 32180
charge of twenty-five cents shall be made for each county 32181
identification sticker or each set of county identification 32182
stickers issued, as the case may be, to cover the cost of 32183
producing the license plates and stickers, including material, 32184
manufacturing, and administrative costs. Those fees shall be in 32185
addition to the license tax. If the total cost of producing the 32186
plates is less than twenty-five cents per plate, or if the total 32187
cost of producing the stickers is less than twenty-five cents per 32188
sticker or per set issued, any excess moneys accruing from the 32189
fees shall be distributed in the same manner as provided by 32190
section 4501.04 of the Revised Code for the distribution of 32191
license tax moneys. If the total cost of producing the plates 32192
exceeds twenty-five cents per plate, or if the total cost of 32193
producing the stickers exceeds twenty-five cents per sticker or 32194
per set issued, the difference shall be paid from the license tax 32195
moneys collected pursuant to section 4503.02 of the Revised Code. 32196

(D) Each deputy registrar shall be allowed a fee of two 32197
dollars and seventy-five cents commencing on July 1, 2001, three 32198
dollars and twenty-five cents commencing on January 1, 2003, and 32199

three dollars and fifty cents commencing on January 1, 2004, for 32200
each application for registration and registration renewal notice 32201
the deputy registrar receives, which shall be for the purpose of 32202
compensating the deputy registrar for the deputy registrar's 32203
services, and such office and rental expenses, as may be necessary 32204
for the proper discharge of the deputy registrar's duties in the 32205
receiving of applications and renewal notices and the issuing of 32206
registrations. 32207

(E) Upon the certification of the registrar, the county 32208
sheriff or local police officials shall recover license plates 32209
erroneously or fraudulently issued. 32210

(F) Each deputy registrar, upon receipt of any application 32211
for registration or registration renewal notice, together with the 32212
license fee and any local motor vehicle license tax levied 32213
pursuant to Chapter 4504. of the Revised Code, shall transmit that 32214
fee and tax, if any, in the manner provided in this section, 32215
together with the original and duplicate copy of the application, 32216
to the registrar. The registrar, subject to the approval of the 32217
director of public safety, may deposit the funds collected by 32218
those deputies in a local bank or depository to the credit of the 32219
"state of Ohio, bureau of motor vehicles." Where a local bank or 32220
depository has been designated by the registrar, each deputy 32221
registrar shall deposit all moneys collected by the deputy 32222
registrar into that bank or depository not more than one business 32223
day after their collection and shall make reports to the registrar 32224
of the amounts so deposited, together with any other information, 32225
some of which may be prescribed by the treasurer of state, as the 32226
registrar may require and as prescribed by the registrar by rule. 32227
The registrar, within three days after receipt of notification of 32228
the deposit of funds by a deputy registrar in a local bank or 32229
depository, shall draw on that account in favor of the treasurer 32230
of state. The registrar, subject to the approval of the director 32231

and the treasurer of state, may make reasonable rules necessary 32232
for the prompt transmittal of fees and for safeguarding the 32233
interests of the state and of counties, townships, municipal 32234
corporations, and transportation improvement districts levying 32235
local motor vehicle license taxes. The registrar may pay service 32236
charges usually collected by banks and depositories for such 32237
service. If deputy registrars are located in communities where 32238
banking facilities are not available, they shall transmit the fees 32239
forthwith, by money order or otherwise, as the registrar, by rule 32240
approved by the director and the treasurer of state, may 32241
prescribe. The registrar may pay the usual and customary fees for 32242
such service. 32243

(G) This section does not prevent any person from making an 32244
application for a motor vehicle license directly to the registrar 32245
by mail, by electronic means, or in person at any of the 32246
registrar's offices, upon payment of a service fee of two dollars 32247
and seventy-five cents commencing on July 1, 2001, three dollars 32248
and twenty-five cents commencing on January 1, 2003, and three 32249
dollars and fifty cents commencing on January 1, 2004, for each 32250
application. 32251

(H) No person shall make a false statement as to the district 32252
of registration in an application required by division (A) of this 32253
section. Violation of this division is falsification under section 32254
2921.13 of the Revised Code and punishable as specified in that 32255
section. 32256

(I)(1) Where applicable, the requirements of division (B) of 32257
this section relating to the presentation of an inspection 32258
certificate issued under section 3704.14 of the Revised Code and 32259
rules adopted under it for a motor vehicle, the refusal of a 32260
license for failure to present an inspection certificate, and the 32261
stamping of the inspection certificate by the official issuing the 32262
certificate of registration apply to the registration of and 32263

issuance of license plates for a motor vehicle under sections 32264
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 32265
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 32266
4503.47, and 4503.51 of the Revised Code. 32267

(2)(a) The registrar shall adopt rules ensuring that each 32268
owner registering a motor vehicle in a county where a motor 32269
vehicle inspection and maintenance program is in effect under 32270
section 3704.14 of the Revised Code and rules adopted under it 32271
receives information about the requirements established in that 32272
section and those rules and about the need in those counties to 32273
present an inspection certificate with an application for 32274
registration or preregistration. 32275

(b) Upon request, the registrar shall provide the director of 32276
environmental protection, or any person that has been awarded a 32277
contract under ~~division (D)~~ of section 3704.14 of the Revised 32278
Code, an on-line computer data link to registration information 32279
for all passenger cars, noncommercial motor vehicles, and 32280
commercial cars that are subject to that section. The registrar 32281
also shall provide to the director of environmental protection a 32282
magnetic data tape containing registration information regarding 32283
passenger cars, noncommercial motor vehicles, and commercial cars 32284
for which a multi-year registration is in effect under section 32285
4503.103 of the Revised Code or rules adopted under it, including, 32286
without limitation, the date of issuance of the multi-year 32287
registration, the registration deadline established under rules 32288
adopted under section 4503.101 of the Revised Code that was 32289
applicable in the year in which the multi-year registration was 32290
issued, and the registration deadline for renewal of the 32291
multi-year registration. 32292

(J) Application for registration under the international 32293
registration plan, as set forth in sections 4503.60 to 4503.66 of 32294
the Revised Code, shall be made to the registrar on forms 32295

furnished by the registrar. In accordance with international 32296
registration plan guidelines and pursuant to rules adopted by the 32297
registrar, the forms shall include the following: 32298

(1) A uniform mileage schedule; 32299

(2) The gross vehicle weight of the vehicle or combined gross 32300
vehicle weight of the combination vehicle as declared by the 32301
registrant; 32302

(3) Any other information the registrar requires by rule. 32303

Sec. 4503.35. (A) The motor vehicles furnished by the state 32304
for use by the elective state officials, and motor vehicles owned 32305
and operated by political subdivisions of the state, are exempt 32306
from section 4503.23 of the Revised Code. 32307

(B) The ~~motor~~ following vehicles are exempt from section 32308
4503.23 of the Revised Code: 32309

(1) Motor vehicles operated by troopers of the state highway 32310
patrol, ~~and motor;~~ 32311

(2) Motor vehicles operated by or on behalf of any person 32312
whose responsibilities include involvement in authorized civil or 32313
criminal investigations requiring that the presence and identity 32314
of the vehicle occupants be undisclosed, ~~are exempt from section~~ 32315
~~4503.23 of the Revised Code;~~ 32316

(3) Motor vehicles used to assist crime victims when a state 32317
agency determines that the situation warrants it. 32318

Sec. 4505.06. (A)(1) Application for a certificate of title 32319
shall be made in a form prescribed by the registrar of motor 32320
vehicles and shall be sworn to before a notary public or other 32321
officer empowered to administer oaths. The application shall be 32322
filed with the clerk of any court of common pleas. An application 32323
for a certificate of title may be filed electronically by any 32324

electronic means approved by the registrar in any county with the clerk of the court of common pleas of that county. Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment actually is received by the clerk. Payment of any fee or taxes may be made by electronic transfer of funds.

(2) The application for a certificate of title shall be accompanied by the fee prescribed in section 4505.09 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system.

(3) If a certificate of title previously has been issued for a motor vehicle in this state, the application for a certificate of title also shall be accompanied by that certificate of title duly assigned, unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the motor vehicle in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate or by a certificate of title of another state from which the motor vehicle was brought into this state. If the application refers to a motor vehicle last previously registered in another state, the application also shall be accompanied by the physical inspection certificate required by section 4505.061 of the Revised Code. If the application is made by two persons regarding a motor vehicle in which they wish to establish joint ownership with right of survivorship, they may do so as provided in section 2131.12 of the Revised Code. If the applicant requests a designation of the motor vehicle in

beneficiary form so that upon the death of the owner of the motor 32357
vehicle, ownership of the motor vehicle will pass to a designated 32358
transfer-on-death beneficiary or beneficiaries, the applicant may 32359
do so as provided in section 2131.13 of the Revised Code. A person 32360
who establishes ownership of a motor vehicle that is transferable 32361
on death in accordance with section 2131.13 of the Revised Code 32362
may terminate that type of ownership or change the designation of 32363
the transfer-on-death beneficiary or beneficiaries by applying for 32364
a certificate of title pursuant to this section. The clerk shall 32365
retain the evidence of title presented by the applicant and on 32366
which the certificate of title is issued, except that, if an 32367
application for a certificate of title is filed electronically by 32368
an electronic motor vehicle dealer on behalf of the purchaser of a 32369
motor vehicle, the clerk shall retain the completed electronic 32370
record to which the dealer converted the certificate of title 32371
application and other required documents. The registrar, after 32372
consultation with the attorney general, shall adopt rules that 32373
govern the location at which, and the manner in which, are stored 32374
the actual application and all other documents relating to the 32375
sale of a motor vehicle when an electronic motor vehicle dealer 32376
files the application for a certificate of title electronically on 32377
behalf of the purchaser. 32378

The clerk shall use reasonable diligence in ascertaining 32379
whether or not the facts in the application for a certificate of 32380
title are true by checking the application and documents 32381
accompanying it or the electronic record to which a dealer 32382
converted the application and accompanying documents with the 32383
records of motor vehicles in the clerk's office. If the clerk is 32384
satisfied that the applicant is the owner of the motor vehicle and 32385
that the application is in the proper form, the clerk, within five 32386
business days after the application is filed and except as 32387
provided in section 4505.021 of the Revised Code, shall issue a 32388
physical certificate of title over the clerk's signature and 32389

sealed with the clerk's seal, unless the applicant specifically 32390
requests the clerk not to issue a physical certificate of title 32391
and instead to issue an electronic certificate of title. For 32392
purposes of the transfer of a certificate of title, if the clerk 32393
is satisfied that the secured party has duly discharged a lien 32394
notation but has not canceled the lien notation with a clerk, the 32395
clerk may cancel the lien notation on the automated title 32396
processing system and notify the clerk of the county of origin. 32397

(4) In the case of the sale of a motor vehicle to a general 32398
buyer or user by a dealer, by a motor vehicle leasing dealer 32399
selling the motor vehicle to the lessee or, in a case in which the 32400
leasing dealer subleased the motor vehicle, the sublessee, at the 32401
end of the lease agreement or sublease agreement, or by a 32402
manufactured home broker, the certificate of title shall be 32403
obtained in the name of the buyer by the dealer, leasing dealer, 32404
or manufactured home broker, as the case may be, upon application 32405
signed by the buyer. The certificate of title shall be issued, or 32406
the process of entering the certificate of title application 32407
information into the automated title processing system if a 32408
physical certificate of title is not to be issued shall be 32409
completed, within five business days after the application for 32410
title is filed with the clerk. If the buyer of the motor vehicle 32411
previously leased the motor vehicle and is buying the motor 32412
vehicle at the end of the lease pursuant to that lease, the 32413
certificate of title shall be obtained in the name of the buyer by 32414
the motor vehicle leasing dealer who previously leased the motor 32415
vehicle to the buyer or by the motor vehicle leasing dealer who 32416
subleased the motor vehicle to the buyer under a sublease 32417
agreement. 32418

In all other cases, except as provided in section 4505.032 32419
and division (D)(2) of section 4505.11 of the Revised Code, such 32420
certificates shall be obtained by the buyer. 32421

(5)(a)(i) If the certificate of title is being obtained in the name of the buyer by a motor vehicle dealer or motor vehicle leasing dealer and there is a security interest to be noted on the certificate of title, the dealer or leasing dealer shall submit the application for the certificate of title and payment of the applicable tax to a clerk within seven business days after the later of the delivery of the motor vehicle to the buyer or the date the dealer or leasing dealer obtains the manufacturer's or importer's certificate, or certificate of title issued in the name of the dealer or leasing dealer, for the motor vehicle. Submission of the application for the certificate of title and payment of the applicable tax within the required seven business days may be indicated by postmark or receipt by a clerk within that period.

(ii) Upon receipt of the certificate of title with the security interest noted on its face, the dealer or leasing dealer shall forward the certificate of title to the secured party at the location noted in the financing documents or otherwise specified by the secured party.

(iii) A motor vehicle dealer or motor vehicle leasing dealer is liable to a secured party for a late fee of ten dollars per day for each certificate of title application and payment of the applicable tax that is submitted to a clerk more than seven business days but less than twenty-one days after the later of the delivery of the motor vehicle to the buyer or the date the dealer or leasing dealer obtains the manufacturer's or importer's certificate, or certificate of title issued in the name of the dealer or leasing dealer, for the motor vehicle and, from then on, twenty-five dollars per day until the application and applicable tax are submitted to a clerk.

(b) In all cases of transfer of a motor vehicle, the application for certificate of title shall be filed within thirty days after the assignment or delivery of the motor vehicle. If an

application for a certificate of title is not filed within the 32454
period specified in division (A)(5)(b) of this section, the clerk 32455
shall collect a fee of five dollars for the issuance of the 32456
certificate, except that no such fee shall be required from a 32457
motor vehicle salvage dealer, as defined in division (A) of 32458
section 4738.01 of the Revised Code, who immediately surrenders 32459
the certificate of title for cancellation. The fee shall be in 32460
addition to all other fees established by this chapter, and shall 32461
be retained by the clerk. The registrar shall provide, on the 32462
certificate of title form prescribed by section 4505.07 of the 32463
Revised Code, language necessary to give evidence of the date on 32464
which the assignment or delivery of the motor vehicle was made. 32465

(6) As used in division (A) of this section, "lease 32466
agreement," "lessee," and "sublease agreement" have the same 32467
meanings as in section 4505.04 of the Revised Code. 32468

(B)(1) The clerk, except as provided in this section, shall 32469
refuse to accept for filing any application for a certificate of 32470
title and shall refuse to issue a certificate of title unless the 32471
dealer or manufactured home broker or the applicant, in cases in 32472
which the certificate shall be obtained by the buyer, submits with 32473
the application payment of the tax levied by or pursuant to 32474
Chapters 5739. and 5741. of the Revised Code based on the 32475
purchaser's county of residence. Upon payment of the tax in 32476
accordance with division (E) of this section, the clerk shall 32477
issue a receipt prescribed by the registrar and agreed upon by the 32478
tax commissioner showing payment of the tax or a receipt issued by 32479
the commissioner showing the payment of the tax. ~~When submitting 32480
payment of the tax to the clerk, a dealer shall retain any 32481
discount to which the dealer is entitled under section 5739.12 of 32482
the Revised Code. 32483~~

(2) For receiving and disbursing such taxes paid to the clerk 32484
by a resident of the clerk's county, the clerk may retain a 32485

poundage fee of one and one one-hundredth per cent, and the clerk 32486
shall pay the poundage fee into the certificate of title 32487
administration fund created by section 325.33 of the Revised Code. 32488
The clerk shall not retain a poundage fee from payments of taxes 32489
by persons who do not reside in the clerk's county. 32490

A clerk, however, may retain from the taxes paid to the clerk 32491
an amount equal to the poundage fees associated with certificates 32492
of title issued by other clerks of courts of common pleas to 32493
applicants who reside in the first clerk's county. The registrar, 32494
in consultation with the tax commissioner and the clerks of the 32495
courts of common pleas, shall develop a report from the automated 32496
title processing system that informs each clerk of the amount of 32497
the poundage fees that the clerk is permitted to retain from those 32498
taxes because of certificates of title issued by the clerks of 32499
other counties to applicants who reside in the first clerk's 32500
county. 32501

(3) In the case of casual sales of motor vehicles, as defined 32502
in section 4517.01 of the Revised Code, the price for the purpose 32503
of determining the tax shall be the purchase price on the assigned 32504
certificate of title executed by the seller and filed with the 32505
clerk by the buyer on a form to be prescribed by the registrar, 32506
which shall be prima-facie evidence of the amount for the 32507
determination of the tax. 32508

(4) Each county clerk shall forward to the treasurer of state 32509
all sales and use tax collections resulting from sales of motor 32510
vehicles, off-highway motorcycles, and all-purpose vehicles during 32511
a calendar week on or before the Friday following the close of 32512
that week. If, on any Friday, the offices of the clerk of courts 32513
or the state are not open for business, the tax shall be forwarded 32514
to the treasurer of state on or before the next day on which the 32515
offices are open. Every remittance of tax under division (B)(4) of 32516
this section shall be accompanied by a remittance report in such 32517

form as the tax commissioner prescribes. Upon receipt of a tax 32518
remittance and remittance report, the treasurer of state shall 32519
date stamp the report and forward it to the tax commissioner. If 32520
the tax due for any week is not remitted by a clerk of courts as 32521
required under division (B)(4) of this section, the commissioner 32522
may require the clerk to forfeit the poundage fees for the sales 32523
made during that week. The treasurer of state may require the 32524
clerks of courts to transmit tax collections and remittance 32525
reports electronically. 32526

(C)(1) If the transferor indicates on the certificate of 32527
title that the odometer reflects mileage in excess of the designed 32528
mechanical limit of the odometer, the clerk shall enter the phrase 32529
"exceeds mechanical limits" following the mileage designation. If 32530
the transferor indicates on the certificate of title that the 32531
odometer reading is not the actual mileage, the clerk shall enter 32532
the phrase "nonactual: warning - odometer discrepancy" following 32533
the mileage designation. The clerk shall use reasonable care in 32534
transferring the information supplied by the transferor, but is 32535
not liable for any errors or omissions of the clerk or those of 32536
the clerk's deputies in the performance of the clerk's duties 32537
created by this chapter. 32538

The registrar shall prescribe an affidavit in which the 32539
transferor shall swear to the true selling price and, except as 32540
provided in this division, the true odometer reading of the motor 32541
vehicle. The registrar may prescribe an affidavit in which the 32542
seller and buyer provide information pertaining to the odometer 32543
reading of the motor vehicle in addition to that required by this 32544
section, as such information may be required by the United States 32545
secretary of transportation by rule prescribed under authority of 32546
subchapter IV of the "Motor Vehicle Information and Cost Savings 32547
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 32548

(2) Division (C)(1) of this section does not require the 32549

giving of information concerning the odometer and odometer reading 32550
of a motor vehicle when ownership of a motor vehicle is being 32551
transferred as a result of a bequest, under the laws of intestate 32552
succession, to a survivor pursuant to section 2106.18, 2131.12, or 32553
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 32554
beneficiaries pursuant to section 2131.13 of the Revised Code, in 32555
connection with the creation of a security interest or for a 32556
vehicle with a gross vehicle weight rating of more than sixteen 32557
thousand pounds. 32558

(D) When the transfer to the applicant was made in some other 32559
state or in interstate commerce, the clerk, except as provided in 32560
this section, shall refuse to issue any certificate of title 32561
unless the tax imposed by or pursuant to Chapter 5741. of the 32562
Revised Code based on the purchaser's county of residence has been 32563
paid as evidenced by a receipt issued by the tax commissioner, or 32564
unless the applicant submits with the application payment of the 32565
tax. Upon payment of the tax in accordance with division (E) of 32566
this section, the clerk shall issue a receipt prescribed by the 32567
registrar and agreed upon by the tax commissioner, showing payment 32568
of the tax. 32569

For receiving and disbursing such taxes paid to the clerk by 32570
a resident of the clerk's county, the clerk may retain a poundage 32571
fee of one and one one-hundredth per cent. The clerk shall not 32572
retain a poundage fee from payments of taxes by persons who do not 32573
reside in the clerk's county. 32574

A clerk, however, may retain from the taxes paid to the clerk 32575
an amount equal to the poundage fees associated with certificates 32576
of title issued by other clerks of courts of common pleas to 32577
applicants who reside in the first clerk's county. The registrar, 32578
in consultation with the tax commissioner and the clerks of the 32579
courts of common pleas, shall develop a report from the automated 32580
title processing system that informs each clerk of the amount of 32581

the poundage fees that the clerk is permitted to retain from those 32582
taxes because of certificates of title issued by the clerks of 32583
other counties to applicants who reside in the first clerk's 32584
county. 32585

When the vendor is not regularly engaged in the business of 32586
selling motor vehicles, the vendor shall not be required to 32587
purchase a vendor's license or make reports concerning those 32588
sales. 32589

(E) The clerk shall accept any payment of a tax in cash, or 32590
by cashier's check, certified check, draft, money order, or teller 32591
check issued by any insured financial institution payable to the 32592
clerk and submitted with an application for a certificate of title 32593
under division (B) or (D) of this section. The clerk also may 32594
accept payment of the tax by corporate, business, or personal 32595
check, credit card, electronic transfer or wire transfer, debit 32596
card, or any other accepted form of payment made payable to the 32597
clerk. The clerk may require bonds, guarantees, or letters of 32598
credit to ensure the collection of corporate, business, or 32599
personal checks. Any service fee charged by a third party to a 32600
clerk for the use of any form of payment may be paid by the clerk 32601
from the certificate of title administration fund created in 32602
section 325.33 of the Revised Code, or may be assessed by the 32603
clerk upon the applicant as an additional fee. Upon collection, 32604
the additional fees shall be paid by the clerk into that 32605
certificate of title administration fund. 32606

The clerk shall make a good faith effort to collect any 32607
payment of taxes due but not made because the payment was returned 32608
or dishonored, but the clerk is not personally liable for the 32609
payment of uncollected taxes or uncollected fees. The clerk shall 32610
notify the tax commissioner of any such payment of taxes that is 32611
due but not made and shall furnish the information to the 32612
commissioner that the commissioner requires. The clerk shall 32613

deduct the amount of taxes due but not paid from the clerk's 32614
periodic remittance of tax payments, in accordance with procedures 32615
agreed upon by the tax commissioner. The commissioner may collect 32616
taxes due by assessment in the manner provided in section 5739.13 32617
of the Revised Code. 32618

Any person who presents payment that is returned or 32619
dishonored for any reason is liable to the clerk for payment of a 32620
penalty over and above the amount of the taxes due. The clerk 32621
shall determine the amount of the penalty, and the penalty shall 32622
be no greater than that amount necessary to compensate the clerk 32623
for banking charges, legal fees, or other expenses incurred by the 32624
clerk in collecting the returned or dishonored payment. The 32625
remedies and procedures provided in this section are in addition 32626
to any other available civil or criminal remedies. Subsequently 32627
collected penalties, poundage fees, and title fees, less any title 32628
fee due the state, from returned or dishonored payments collected 32629
by the clerk shall be paid into the certificate of title 32630
administration fund. Subsequently collected taxes, less poundage 32631
fees, shall be sent by the clerk to the treasurer of state at the 32632
next scheduled periodic remittance of tax payments, with 32633
information as the commissioner may require. The clerk may abate 32634
all or any part of any penalty assessed under this division. 32635

(F) In the following cases, the clerk shall accept for filing 32636
an application and shall issue a certificate of title without 32637
requiring payment or evidence of payment of the tax: 32638

(1) When the purchaser is this state or any of its political 32639
subdivisions, a church, or an organization whose purchases are 32640
exempted by section 5739.02 of the Revised Code; 32641

(2) When the transaction in this state is not a retail sale 32642
as defined by section 5739.01 of the Revised Code; 32643

(3) When the purchase is outside this state or in interstate 32644

commerce and the purpose of the purchaser is not to use, store, or 32645
consume within the meaning of section 5741.01 of the Revised Code; 32646

(4) When the purchaser is the federal government; 32647

(5) When the motor vehicle was purchased outside this state 32648
for use outside this state; 32649

(6) When the motor vehicle is purchased by a nonresident ~~of~~ 32650
~~this state for immediate removal from this state, and will be~~ 32651
~~permanently titled and registered in another state, as provided by~~ 32652
~~division (B)(23) of section 5739.02~~ under the circumstances 32653
described in division (B) of section 5739.029 of the Revised Code, 32654
and upon presentation of a copy of the affidavit provided by that 32655
section, and a copy of the exemption certificate provided by 32656
section 5739.03 of the Revised Code. 32657

(G) An application, as prescribed by the registrar and agreed 32658
to by the tax commissioner, shall be filled out and sworn to by 32659
the buyer of a motor vehicle in a casual sale. The application 32660
shall contain the following notice in bold lettering: "WARNING TO 32661
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 32662
law to state the true selling price. A false statement is in 32663
violation of section 2921.13 of the Revised Code and is punishable 32664
by six months' imprisonment or a fine of up to one thousand 32665
dollars, or both. All transfers are audited by the department of 32666
taxation. The seller and buyer must provide any information 32667
requested by the department of taxation. The buyer may be assessed 32668
any additional tax found to be due." 32669

(H) For sales of manufactured homes or mobile homes occurring 32670
on or after January 1, 2000, the clerk shall accept for filing, 32671
pursuant to Chapter 5739. of the Revised Code, an application for 32672
a certificate of title for a manufactured home or mobile home 32673
without requiring payment of any tax pursuant to section 5739.02, 32674
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 32675

issued by the tax commissioner showing payment of the tax. For 32676
sales of manufactured homes or mobile homes occurring on or after 32677
January 1, 2000, the applicant shall pay to the clerk an 32678
additional fee of five dollars for each certificate of title 32679
issued by the clerk for a manufactured or mobile home pursuant to 32680
division (H) of section 4505.11 of the Revised Code and for each 32681
certificate of title issued upon transfer of ownership of the 32682
home. The clerk shall credit the fee to the county certificate of 32683
title administration fund, and the fee shall be used to pay the 32684
expenses of archiving those certificates pursuant to division (A) 32685
of section 4505.08 and division (H)(3) of section 4505.11 of the 32686
Revised Code. The tax commissioner shall administer any tax on a 32687
manufactured or mobile home pursuant to Chapters 5739. and 5741. 32688
of the Revised Code. 32689

(I) Every clerk shall have the capability to transact by 32690
electronic means all procedures and transactions relating to the 32691
issuance of motor vehicle certificates of title that are described 32692
in the Revised Code as being accomplished by electronic means. 32693

Sec. 4513.263. (A) As used in this section and in section 32694
4513.99 of the Revised Code: 32695

(1) "Automobile" means any commercial tractor, passenger car, 32696
commercial car, or truck that is required to be factory-equipped 32697
with an occupant restraining device for the operator or any 32698
passenger by regulations adopted by the United States secretary of 32699
transportation pursuant to the "National Traffic and Motor Vehicle 32700
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 32701

(2) "Occupant restraining device" means a seat safety belt, 32702
shoulder belt, harness, or other safety device for restraining a 32703
person who is an operator of or passenger in an automobile and 32704
that satisfies the minimum federal vehicle safety standards 32705
established by the United States department of transportation. 32706

(3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in section 4501.01 of the Revised Code.

(5) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in section 4511.01 of the Revised Code.

(6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section 2307.91 of the Revised Code, but does not include a civil action for damages for breach of contract or another agreement between persons.

(B) No person shall do any of the following:

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device;

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a

properly adjusted occupant restraining device; 32738

(4) Operate a taxicab on any street or highway unless all 32739
factory-equipped occupant restraining devices in the taxicab are 32740
maintained in usable form. 32741

(C) Division (B)(3) of this section does not apply to a 32742
person who is required by section 4511.81 of the Revised Code to 32743
be secured in a child restraint device. Division (B)(1) of this 32744
section does not apply to a person who is an employee of the 32745
United States postal service or of a newspaper home delivery 32746
service, during any period in which the person is engaged in the 32747
operation of an automobile to deliver mail or newspapers to 32748
addressees. Divisions (B)(1) and (3) of this section do not apply 32749
to a person who has an affidavit signed by a physician licensed to 32750
practice in this state under Chapter 4731. of the Revised Code or 32751
a chiropractor licensed to practice in this state under Chapter 32752
4734. of the Revised Code that states that the person has a 32753
physical impairment that makes use of an occupant restraining 32754
device impossible or impractical. 32755

(D) Notwithstanding any provision of law to the contrary, no 32756
law enforcement officer shall cause an operator of an automobile 32757
being operated on any street or highway to stop the automobile for 32758
the sole purpose of determining whether a violation of division 32759
(B) of this section has been or is being committed or for the sole 32760
purpose of issuing a ticket, citation, or summons for a violation 32761
of that nature or causing the arrest of or commencing a 32762
prosecution of a person for a violation of that nature, and no law 32763
enforcement officer shall view the interior or visually inspect 32764
any automobile being operated on any street or highway for the 32765
sole purpose of determining whether a violation of that nature has 32766
been or is being committed. 32767

(E) All fines collected for violations of division (B) of 32768
this section, or for violations of any ordinance or resolution of 32769

a political subdivision that is substantively comparable to that 32770
division, shall be forwarded to the treasurer of state for deposit 32771
as follows: 32772

(1) Eight per cent shall be deposited into the seat belt 32773
education fund, which is hereby created in the state treasury, and 32774
shall be used by the department of public safety to establish a 32775
seat belt education program. 32776

(2) Eight per cent shall be deposited into the elementary 32777
school program fund, which is hereby created in the state 32778
treasury, and shall be used by the department of public safety to 32779
establish and administer elementary school programs that encourage 32780
seat safety belt use. 32781

(3) Two per cent shall be deposited into the ~~Ohio medical~~ 32782
~~transportation trust~~ occupational licensing and regulatory fund 32783
created by section ~~4766.05~~ 4743.05 of the Revised Code. 32784

(4) Twenty-eight per cent shall be deposited into the trauma 32785
and emergency medical services fund, which is hereby created in 32786
the state treasury, and shall be used by the department of public 32787
safety for the administration of the division of emergency medical 32788
services and the state board of emergency medical services. 32789

(5) Fifty-four per cent shall be deposited into the trauma 32790
and emergency medical services grants fund, which is hereby 32791
created in the state treasury, and shall be used by the state 32792
board of emergency medical services to make grants, in accordance 32793
with section 4765.07 of the Revised Code and rules the board 32794
adopts under section 4765.11 of the Revised Code. 32795

(F)(1) Subject to division (F)(2) of this section, the 32796
failure of a person to wear all of the available elements of a 32797
properly adjusted occupant restraining device in violation of 32798
division (B)(1) or (3) of this section or the failure of a person 32799
to ensure that each minor who is a passenger of an automobile 32800

being operated by that person is wearing all of the available 32801
elements of a properly adjusted occupant restraining device in 32802
violation of division (B)(2) of this section shall not be 32803
considered or used by the trier of fact in a tort action as 32804
evidence of negligence or contributory negligence. But, the trier 32805
of fact may determine based on evidence admitted consistent with 32806
the Ohio ~~rules~~ Rules of ~~evidence~~ Evidence that the failure 32807
contributed to the harm alleged in the tort action and may 32808
diminish a recovery of compensatory damages that represents 32809
noneconomic loss, as defined in section 2307.011 of the Revised 32810
Code, in a tort action that could have been recovered but for the 32811
plaintiff's failure to wear all of the available elements of a 32812
properly adjusted occupant restraining device. Evidence of that 32813
failure shall not be used as a basis for a criminal prosecution of 32814
the person other than a prosecution for a violation of this 32815
section; and shall not be admissible as evidence in a criminal 32816
action involving the person other than a prosecution for a 32817
violation of this section. 32818

(2) If, at the time of an accident involving a passenger car 32819
equipped with occupant restraining devices, any occupant of the 32820
passenger car who sustained injury or death was not wearing an 32821
available occupant restraining device, was not wearing all of the 32822
available elements of such a device, or was not wearing such a 32823
device as properly adjusted, then, consistent with the Rules of 32824
Evidence, the fact that the occupant was not wearing the available 32825
occupant restraining device, was not wearing all of the available 32826
elements of such a device, or was not wearing such a device as 32827
properly adjusted is admissible in evidence in relation to any 32828
claim for relief in a tort action to the extent that the claim for 32829
relief satisfies all of the following: 32830

(a) It seeks to recover damages for injury or death to the 32831
occupant. 32832

(b) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car. 32833
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(c) The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy. 32835
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(G)(1) Whoever violates division (B)(1) of this section shall be fined thirty dollars. 32839
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(2) Whoever violates division (B)(3) of this section shall be fined twenty dollars. 32841
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(3) Except as otherwise provided in this division, whoever violates division (B)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (B)(4) of this section, whoever violates division (B)(4) of this section is guilty of a misdemeanor of the third degree. 32843
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Sec. 4519.55. Application for a certificate of title for an off-highway motorcycle or all-purpose vehicle shall be made upon a form prescribed by the registrar of motor vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the registrar in any county with the clerk of the court of common pleas of that county. 32849
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If an application for a certificate of title is filed electronically by an electronic dealer on behalf of the purchaser of an off-highway motorcycle or all-purpose vehicle, the clerk shall retain the completed electronic record to which the dealer converted the certificate of title application and other required 32858
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documents. The registrar, after consultation with the attorney 32863
general, shall adopt rules that govern the location at which, and 32864
the manner in which, are stored the actual application and all 32865
other documents relating to the sale of an off-highway motorcycle 32866
or all-purpose vehicle when an electronic dealer files the 32867
application for a certificate of title electronically on behalf of 32868
the purchaser. 32869

The application shall be accompanied by the fee prescribed in 32870
section 4519.59 of the Revised Code. The fee shall be retained by 32871
the clerk who issues the certificate of title and shall be 32872
distributed in accordance with that section. If a clerk of a court 32873
of common pleas, other than the clerk of the court of common pleas 32874
of an applicant's county of residence, issues a certificate of 32875
title to the applicant, the clerk shall transmit data related to 32876
the transaction to the automated title processing system. 32877

If a certificate of title previously has been issued for an 32878
off-highway motorcycle or all-purpose vehicle, the application 32879
also shall be accompanied by the certificate of title duly 32880
assigned, unless otherwise provided in this chapter. If a 32881
certificate of title previously has not been issued for the 32882
off-highway motorcycle or all-purpose vehicle, the application, 32883
unless otherwise provided in this chapter, shall be accompanied by 32884
a manufacturer's or importer's certificate; by a sworn statement 32885
of ownership; or by a certificate of title, bill of sale, or other 32886
evidence of ownership required by law of another state from which 32887
the off-highway motorcycle or all-purpose vehicle was brought into 32888
this state. The registrar, in accordance with Chapter 119. of the 32889
Revised Code, shall prescribe the types of additional 32890
documentation sufficient to establish proof of ownership, 32891
including, but not limited to, receipts from the purchase of parts 32892
or components, photographs, and affidavits of other persons. 32893

For purposes of the transfer of a certificate of title, if 32894

the clerk is satisfied that a secured party has duly discharged a lien notation but has not canceled the lien notation with a clerk, the clerk may cancel the lien notation on the automated title processing system and notify the clerk of the county of origin.

In the case of the sale of an off-highway motorcycle or all-purpose vehicle by a dealer to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the dealer upon application signed by the purchaser. In all other cases, the certificate shall be obtained by the purchaser. In all cases of transfer of an off-highway motorcycle or all-purpose vehicle, the application for certificate of title shall be filed within thirty days after the later of the date of purchase or assignment of ownership of the off-highway motorcycle or all-purpose vehicle. If the application for certificate of title is not filed within thirty days after the later of the date of purchase or assignment of ownership of the off-highway motorcycle or all-purpose vehicle, the clerk shall charge a late filing fee of five dollars in addition to the fee prescribed by section 4519.59 of the Revised Code. The clerk shall retain the entire amount of each late filing fee.

Except in the case of an off-highway motorcycle or all-purpose vehicle purchased prior to July 1, 1999, the clerk shall refuse to accept an application for certificate of title unless the applicant either tenders with the application payment of all taxes levied by or pursuant to Chapter 5739. or 5741. of the Revised Code based on the purchaser's county of residence, or submits either of the following:

(A) A receipt issued by the tax commissioner or a clerk of courts showing payment of the tax;

(B) An exemption certificate, in any form prescribed by the tax commissioner, that specifies why the purchase is not subject to the tax imposed by Chapter 5739. or 5741. of the Revised Code.

Payment of the tax shall be made in accordance with division 32927
(E) of section 4505.06 of the Revised Code and any rules issued by 32928
the tax commissioner. ~~When a dealer submits payment of the tax to~~ 32929
~~the clerk, the dealer shall retain any discount to which the~~ 32930
~~dealer is entitled under section 5739.12 of the Revised Code.~~ The 32931
clerk shall issue a receipt in the form prescribed by the tax 32932
commissioner to any applicant who tenders payment of the tax with 32933
the application for a certificate of title. If the application for 32934
a certificate of title is for an off-highway motorcycle or 32935
all-purpose vehicle purchased prior to July 1, 1999, the clerk 32936
shall accept the application without payment of the taxes levied 32937
by or pursuant to Chapter 5739. or 5741. of the Revised Code or 32938
presentation of either of the items listed in division (A) or (B) 32939
of this section. 32940

For receiving and disbursing such taxes paid to the clerk by 32941
a resident of the clerk's county, the clerk may retain a poundage 32942
fee of one and one-hundredth per cent of the taxes collected, 32943
which shall be paid into the certificate of title administration 32944
fund created by section 325.33 of the Revised Code. The clerk 32945
shall not retain a poundage fee from payments of taxes by persons 32946
who do not reside in the clerk's county. 32947

A clerk, however, may retain from the taxes paid to the clerk 32948
an amount equal to the poundage fees associated with certificates 32949
of title issued by other clerks of courts of common pleas to 32950
applicants who reside in the first clerk's county. The registrar, 32951
in consultation with the tax commissioner and the clerks of the 32952
courts of common pleas, shall develop a report from the automated 32953
title processing system that informs each clerk of the amount of 32954
the poundage fees that the clerk is permitted to retain from those 32955
taxes because of certificates of title issued by the clerks of 32956
other counties to applicants who reside in the first clerk's 32957
county. 32958

In the case of casual sales of off-highway motorcycles or 32959
all-purpose vehicles that are subject to the tax imposed by 32960
Chapter 5739. or 5741. of the Revised Code, the purchase price for 32961
the purpose of determining the tax shall be the purchase price on 32962
an affidavit executed and filed with the clerk by the seller on a 32963
form to be prescribed by the registrar, which shall be prima-facie 32964
evidence of the price for the determination of the tax. 32965

In addition to the information required by section 4519.57 of 32966
the Revised Code, each certificate of title shall contain in bold 32967
lettering the following notification and statements: "WARNING TO 32968
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 32969
law to state the true selling price. A false statement is in 32970
violation of section 2921.13 of the Revised Code and is punishable 32971
by six months imprisonment or a fine of up to one thousand 32972
dollars, or both. All transfers are audited by the department of 32973
taxation. The seller and buyer must provide any information 32974
requested by the department of taxation. The buyer may be assessed 32975
any additional tax found to be due." 32976

The clerk shall forward all payments of taxes, less poundage 32977
fees, to the treasurer of state in a manner to be prescribed by 32978
the tax commissioner and shall furnish information to the 32979
commissioner as the commissioner may require. 32980

Every clerk shall have the capability to transact by 32981
electronic means all procedures and transactions relating to the 32982
issuance of certificates of title for off-highway motorcycles and 32983
all-purpose vehicles that are described in the Revised Code as 32984
being accomplished by electronic means. 32985

Sec. 4703.071. (A) The state board of examiners of architects 32986
shall establish and maintain and administer an architecture 32987
education assistance program to pay applicant enrollment fees for 32988
the internship program required of applicants by section 4703.07 32989

<u>of the Revised Code.</u>	32990
<u>(B) The board shall adopt rules in accordance with Chapter</u>	32991
<u>119. of the Revised Code to establish all of the following:</u>	32992
<u>(1) Applicant eligibility criteria for receipt of internship</u>	32993
<u>program enrollment fees, which must include a requirement that</u>	32994
<u>applicants be enrolled in an architecture education program at an</u>	32995
<u>institution within the state that has been approved by the board</u>	32996
<u>and accredited by the national architectural accrediting board,</u>	32997
<u>and may include a requirement that the applicant has completed a</u>	32998
<u>minimum amount of course work in the program as prescribed by the</u>	32999
<u>state board by rule;</u>	33000
<u>(2) Application procedures for payment of internship program</u>	33001
<u>enrollment fees;</u>	33002
<u>(3) The maximum amount of internship program enrollment fees</u>	33003
<u>that may be provided by the architecture education assistance</u>	33004
<u>program to an applicant;</u>	33005
<u>(4) The total amount of internship program enrollment fees</u>	33006
<u>that may be disbursed by the architecture education assistance</u>	33007
<u>program in any given fiscal year;</u>	33008
<u>(5) The means by which other matters incidental to the</u>	33009
<u>operation of the program may be approved, including the means to</u>	33010
<u>authorize necessary expenses for the operation of the architecture</u>	33011
<u>education assistance program.</u>	33012
<u>(C) The receipt of internship program enrollment fees under</u>	33013
<u>this section shall not affect a student's eligibility for any</u>	33014
<u>other assistance, or the amount of that assistance.</u>	33015
Sec. 4717.07. (A) The board of embalmers and funeral	33016
directors shall charge and collect the following fees:	33017
(1) For the initial issuance or biennial renewal of an	33018

embalmer's or funeral director's license, one hundred forty dollars;	33019 33020
(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;	33021 33022
(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;	33023 33024
(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;	33025 33026 33027
(5) For the initial issuance of a license to operate a funeral home, two hundred fifty dollars and biennial renewal of a license to operate a funeral home, two hundred fifty dollars;	33028 33029 33030
(6) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A) (5) <u>(1)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	33031 33032 33033 33034
(7) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A) (6) <u>(5)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	33035 33036 33037 33038
(8) For the initial issuance of a license to operate an embalming facility, two hundred dollars and biennial renewal of a license to operate an embalming facility, two hundred dollars;	33039 33040 33041
(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A) (9) <u>(8)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	33042 33043 33044 33045
(10) For the initial issuance of a license to operate a crematory facility, two hundred dollars and biennial renewal of a license to operate a crematory facility, two hundred dollars;	33046 33047 33048

(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)~~(11)~~(10) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

(12) For the issuance of a duplicate of a license issued under this chapter, four dollars.

(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter.

(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent.

Sec. 4723.621. The medication aide advisory council created under section 4723.62 of the Revised Code shall make recommendations to the board of nursing with respect to all of the following:

(A) The design and operation of the medication aide pilot program conducted under section 4723.63 of the Revised Code, including a method of collecting data through reports submitted by participating nursing homes and residential care facilities;

(B) The content of the course of instruction required to obtain certification as a medication aide, including the examination to be used to evaluate the ability to administer prescription medications safely and the score that must be attained to pass the examination;

(C) Whether medication aides may administer prescription medications through a gastrostomy or jejunostomy tube and the

amount and type of training a medication aide needs to be 33079
adequately prepared to administer prescription medications through 33080
a gastrostomy or jejunostomy tube; 33081

(D) Protection of the health and welfare of the residents of 33082
nursing homes and residential care facilities participating in the 33083
pilot program and using medication aides pursuant to section 33084
4723.64 of the Revised Code ~~on or after July 1, 2007;~~ 33085

(E) The board's adoption of rules under section 4723.69 of 33086
the Revised Code; 33087

(F) Any other issue the council considers relevant to the use 33088
of medication aides in nursing homes and residential care 33089
facilities. 33090

Sec. 4723.63. (A) In consultation with the medication aide 33091
advisory council established under section 4723.62 of the Revised 33092
Code, the board of nursing shall conduct a pilot program for the 33093
use of medication aides in nursing homes and residential care 33094
facilities. The board shall conduct the pilot program in a manner 33095
consistent with human protection and other ethical concerns 33096
typically associated with research studies involving live 33097
subjects. The pilot program shall be commenced not later than May 33098
1, 2006, and shall ~~be conducted until July 1, 2007~~ end on the 33099
thirty-first day after the report required by division (F)(2) of 33100
this section is submitted in accordance with that division. 33101

During the period the pilot program is conducted, a nursing 33102
home or residential care facility participating in the pilot 33103
program may use one or more medication aides to administer 33104
prescription medications to its residents, subject to ~~both~~ all of 33105
the following conditions: 33106

(1) Each individual used as a medication aide must hold a 33107
current, valid medication aide certificate issued by the board of 33108

nursing under this chapter. 33109

(2) The nursing home or residential care facility shall 33110
ensure that the requirements of section 4723.67 of the Revised 33111
Code are met. 33112

(3) The nursing home or residential care facility shall 33113
submit to the board, not later than the thirty-first day after the 33114
day the board makes its request under division (F)(1)(a) of this 33115
section, the data required by division (F)(1)(a) of this section. 33116

(B) The board, in consultation with the medication aide 33117
advisory council, shall do all of the following not later than 33118
February 1, 2006: 33119

(1) Design the pilot program; 33120

(2) Establish standards to govern medication aides and the 33121
nursing homes and residential care facilities participating in the 33122
pilot program, including standards for the training of medication 33123
aides and the staff of participating nursing homes and residential 33124
care facilities; 33125

(3) Establish standards to protect the health and safety of 33126
the residents of the nursing homes and residential care facilities 33127
participating in the program; 33128

(4) Implement a process for selecting the nursing homes and 33129
residential care facilities to participate in the program. 33130

(C)(1) A nursing home or residential care facility may 33131
volunteer to participate in the pilot program by submitting an 33132
application to the board on a form prescribed and provided by the 33133
board. From among the applicants, the board shall select eighty 33134
nursing homes and forty residential care facilities to participate 33135
in the pilot program. When the board denies an application, it 33136
shall notify, in writing, the president and minority leader of the 33137
senate and the speaker and minority leader of the house of 33138

representatives of the denial and the reasons for the denial. 33139

(2) To be eligible to participate, a nursing home or 33140
residential care facility shall agree to observe the standards 33141
established by the board for the use of medication aides. A 33142
nursing home is eligible to participate only if the department of 33143
health has found in the ~~two~~ most recent ~~surveys~~ survey or 33144
~~inspections~~ inspection of the home that the home is free from 33145
deficiencies related to the administration of medication. A 33146
residential care facility is eligible to participate only if the 33147
department has found that the facility is free from deficiencies 33148
related to the provision of skilled nursing care or the 33149
administration of medication. 33150

(D) As a condition of participation in the pilot program, a 33151
nursing home and residential care facility selected by the board 33152
shall pay the participation fee established in rules adopted under 33153
section 4723.69 of the Revised Code. The participation fee is not 33154
reimbursable under the medicaid program established under Chapter 33155
5111. of the Revised Code. 33156

(E) On receipt of evidence found credible by the board that 33157
continued participation by a nursing home or residential care 33158
facility poses an imminent danger, risk of serious harm, or 33159
jeopardy to a resident of the home or facility, the board may 33160
terminate the authority of the home or facility to participate in 33161
the pilot program. 33162

(F)(1) With the assistance of the medication aide advisory 33163
council, the board shall conduct an evaluation of the pilot 33164
program. In conducting the evaluation, the board shall do all of 33165
the following: 33166

(a) Request from each nursing home and residential care 33167
facility participating in the pilot program, on the ninety-first 33168
day after the day the board issues a medication aide certificate 33169

under section 4723.651 of the Revised Code to the seventy-fifth individual, the data the board requires participating nursing homes and residential care facilities to report under rules the board adopts under section 4723.69 of the Revised Code. 33170
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(b) Assess whether medication aides are able to administer prescription medications safely to nursing home and residential care facility residents; 33174
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~~(b)~~(c) Determine the financial implications of using medication aides in nursing homes and residential care facilities; 33177
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~~(e)~~(d) Consider any other issue the board or council considers relevant to the evaluation. 33179
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(2) Not later than ~~March 1, 2007~~ the one hundred eighty-first day after the day the board issues a medication aide certificate under section 4723.651 of the Revised Code to the seventy-fifth individual, the board shall prepare a report of its findings and recommendations derived from the evaluation of the pilot program. 33181
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The board shall submit the report to the governor, president and 33186
minority leader of the senate, speaker and minority leader of the 33187
house of representatives, and director of health. 33188

(G) The board shall, on the day it issues a medication aide certificate to the seventy-fifth individual, post a notice on its web site indicating the date on which any nursing home or residential care facility may use medication aides in accordance with section 4723.64 of the Revised Code. 33189
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Sec. 4723.64. On and after ~~July 1, 2007~~ the thirty-first day following the board of nursing's submission of the report required by division (F)(2) of section 4723.63 of the Revised Code, any nursing home or residential care facility may use one or more medication aides to administer prescription medications to its residents, subject to both of the following conditions: 33194
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(A) Each individual used as a medication aide must hold a 33200
current, valid medication aide certificate issued by the board of 33201
nursing under this chapter. 33202

(B) The nursing home or residential care facility shall 33203
ensure that the requirements of section 4723.67 of the Revised 33204
Code are met. 33205

Sec. 4723.65. (A) An individual seeking certification as a 33206
medication aide shall apply to the board of nursing on a form 33207
prescribed and provided by the board. If the application is 33208
submitted on or after ~~July 1, 2007~~ the day any nursing home or 33209
residential care facility may initially use medication aides as 33210
specified in section 4723.64 of the Revised Code, the application 33211
shall be accompanied by the certification fee established in rules 33212
adopted under section 4723.69 of the Revised Code. 33213

(B)(1) Except as provided in division (B)(2) of this section, 33214
an applicant for a medication aide certificate shall submit a 33215
request to the bureau of criminal identification and investigation 33216
for a criminal records check. The request shall be on the form 33217
prescribed pursuant to division (C)(1) of section 109.572 of the 33218
Revised Code and shall be accompanied by a standard impression 33219
sheet to obtain fingerprints prescribed pursuant to division 33220
(C)(2) of that section. The request shall also be accompanied by 33221
the fee prescribed pursuant to division (C)(3) of section 109.572 33222
of the Revised Code. On receipt of the completed form, the 33223
completed impression sheet, and the fee, the bureau shall conduct 33224
a criminal records check of the applicant. On completion of the 33225
criminal records check, the bureau shall send the results of the 33226
check to the board. An applicant requesting a criminal records 33227
check under this division who has not lived in this state for at 33228
least five years shall ask the superintendent of the bureau of 33229
criminal identification and investigation to also request that the 33230

federal bureau of investigation provide the superintendent with 33231
any information it has with respect to the applicant. 33232

(2) If a criminal records check of an applicant was completed 33233
pursuant to section 3721.121 of the Revised Code not more than 33234
five years prior to the date the application is submitted, the 33235
applicant may include a certified copy of the criminal records 33236
check completed pursuant to that section and is not required to 33237
comply with division (B)(1) of this section. 33238

(3) A criminal records check provided to the board in 33239
accordance with division (B)(1) or (B)(2) of this section shall 33240
not be made available to any person or for any purpose other than 33241
the following: 33242

(a) The results may be made available to any person for use 33243
in determining whether the individual who is the subject of the 33244
check should be issued a medication aide certificate. 33245

(b) The results may be made available to the person who is 33246
the subject of the check or a representative of that person. 33247

Sec. 4723.651. (A) As used in this section, "high school 33248
equivalence diploma" means a diploma attesting to achievement of 33249
the equivalent of a high school education as measured by scores 33250
obtained on the tests of general educational development published 33251
by the American council on education. "High school equivalence 33252
diploma" includes a certificate of high school equivalence issued 33253
prior to January 1, 1994, attesting to the achievement of the 33254
equivalent of a high school education as measured by scores 33255
obtained on tests of general educational development. 33256

(B) To be eligible to receive a medication aide certificate, 33257
an applicant shall meet all of the following conditions: 33258

(1) Be at least eighteen years of age; 33259

(2) Have a high school diploma or a high school equivalence 33260

diploma as defined in section 5107.40 of the Revised Code; 33261

(3) If the applicant is to practice as a medication aide in a 33262
nursing home, be a nurse aide who satisfies the requirements of 33263
division (A)(1), (2), (3), (4), (5), (6), or (8) of section 33264
3721.32 of the Revised Code; 33265

(4) If the applicant is to practice as a medication aide in a 33266
residential care facility, be a nurse aide who satisfies the 33267
requirements of division (A)(1), (2), (3), (4), (5), (6), or (8) 33268
of section 3721.32 of the Revised Code or an individual who has at 33269
least one year of direct care experience in a residential care 33270
facility; 33271

(5) Successfully complete the course of instruction provided 33272
by a training program approved by the board under section 4723.66 33273
of the Revised Code; 33274

(6) Have results on the criminal records check provided to 33275
the board under division (B)(1) or (2) of section 4723.65 of the 33276
Revised Code indicating that the applicant has not been convicted 33277
of, has not pleaded guilty to, and has not had a judicial finding 33278
of guilt for violating section 2903.01, 2903.02, 2903.03, 2903.11, 33279
2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 33280
of the Revised Code or a substantially similar law of another 33281
state, the United States, or another country; 33282

(7) Meet all other requirements for a medication aide 33283
certificate established in rules adopted under section 4723.69 of 33284
the Revised Code. 33285

~~(B)~~(C) If an applicant meets the requirement specified in 33286
division ~~(A)~~(B) of this section, the board shall issue a 33287
medication aide certificate to the applicant. If a medication aide 33288
certificate is issued to an individual on the basis of having at 33289
least one year of direct care experience working in a residential 33290
care facility, as provided in division ~~(A)~~(B)(4) of this section, 33291

the certificate is valid for use only in a residential care 33292
facility. The board shall state the limitation on the certificate 33293
issued to the individual. 33294

~~(C)~~(D) A medication aide certificate is valid for two years, 33295
unless earlier suspended or revoked. The certificate may be 33296
renewed in accordance with procedures specified by the board in 33297
rules adopted under section 4723.69 of the Revised Code. To be 33298
eligible for renewal, an applicant shall pay the renewal fee 33299
established in the rules and meet all renewal qualifications 33300
specified in the rules. 33301

Sec. 4723.66. (A) A person or government entity seeking 33302
approval to provide a medication aide training program shall apply 33303
to the board of nursing on a form prescribed and provided by the 33304
board. If the application is submitted on or after ~~July 1, 2007~~ 33305
the day any nursing home or residential care facility may 33306
initially use medication aides as specified in section 4723.64 of 33307
the Revised Code, the application shall be accompanied by the fee 33308
established in rules adopted under section 4723.69 of the Revised 33309
Code. 33310

(B) The board shall approve the applicant to provide a 33311
medication aide training program if the content of the course of 33312
instruction to be provided by the program meets the standards 33313
specified by the board in rules adopted under section 4723.69 of 33314
the Revised Code and includes all of the following: 33315

(1) At least seventy clock-hours of instruction, including 33316
both classroom instruction on medication administration and at 33317
least twenty clock-hours of supervised clinical practice in 33318
medication administration; 33319

(2) A mechanism for evaluating whether an individual's 33320
reading, writing, and mathematical skills are sufficient for the 33321
individual to be able to administer prescription medications 33322

safely; 33323

(3) An examination that tests the ability to administer 33324
prescription medications safely and that meets the requirements 33325
established by the board in rules adopted under section 4723.69 of 33326
the Revised Code. 33327

(C) The board may deny, suspend, or revoke the approval 33328
granted to the provider of a medication aide training program for 33329
reasons specified in rules adopted under section 4723.69 of the 33330
Revised Code. All actions taken by the board to deny, suspend, or 33331
revoke the approval of a training program shall be taken in 33332
accordance with Chapter 119. of the Revised Code. 33333

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 33334
Revised Code: 33335

(A)(1) "Clinical laboratory services" means either of the 33336
following: 33337

(a) Any examination of materials derived from the human body 33338
for the purpose of providing information for the diagnosis, 33339
prevention, or treatment of any disease or impairment or for the 33340
assessment of health; 33341

(b) Procedures to determine, measure, or otherwise describe 33342
the presence or absence of various substances or organisms in the 33343
body. 33344

(2) "Clinical laboratory services" does not include the mere 33345
collection or preparation of specimens. 33346

(B) "Designated health services" means any of the following: 33347

(1) Clinical laboratory services; 33348

(2) Home health care services; 33349

(3) Outpatient prescription drugs. 33350

(C) "Fair market value" means the value in arms-length 33351

transactions, consistent with general market value and: 33352

(1) With respect to rentals or leases, the value of rental 33353
property for general commercial purposes, not taking into account 33354
its intended use; 33355

(2) With respect to a lease of space, not adjusted to reflect 33356
the additional value the prospective lessee or lessor would 33357
attribute to the proximity or convenience to the lessor if the 33358
lessor is a potential source of referrals to the lessee. 33359

(D) "Governmental health care program" means any program 33360
providing health care benefits that is administered by the federal 33361
government, this state, or a political subdivision of this state, 33362
including the medicare program established under Title XVIII of 33363
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 33364
as amended, health care coverage for public employees, health care 33365
benefits administered by the bureau of workers' compensation, the 33366
medical assistance program established under Chapter 5111. of the 33367
Revised Code, the nonfederal medical assistance program 33368
established under Chapter 5114. of the Revised Code, and the 33369
disability medical assistance program established under Chapter 33370
5115. of the Revised Code. 33371

(E)(1) "Group practice" means a group of two or more holders 33372
of certificates under this chapter legally organized as a 33373
partnership, professional corporation or association, limited 33374
liability company, foundation, nonprofit corporation, faculty 33375
practice plan, or similar group practice entity, including an 33376
organization comprised of a nonprofit medical clinic that 33377
contracts with a professional corporation or association of 33378
physicians to provide medical services exclusively to patients of 33379
the clinic in order to comply with section 1701.03 of the Revised 33380
Code and including a corporation, limited liability company, 33381
partnership, or professional association described in division (B) 33382
of section 4731.226 of the Revised Code formed for the purpose of 33383

providing a combination of the professional services of 33384
optometrists who are licensed, certificated, or otherwise legally 33385
authorized to practice optometry under Chapter 4725. of the 33386
Revised Code, chiropractors who are licensed, certificated, or 33387
otherwise legally authorized to practice chiropractic under 33388
Chapter 4734. of the Revised Code, psychologists who are licensed, 33389
certificated, or otherwise legally authorized to practice 33390
psychology under Chapter 4732. of the Revised Code, registered or 33391
licensed practical nurses who are licensed, certificated, or 33392
otherwise legally authorized to practice nursing under Chapter 33393
4723. of the Revised Code, pharmacists who are licensed, 33394
certificated, or otherwise legally authorized to practice pharmacy 33395
under Chapter 4729. of the Revised Code, physical therapists who 33396
are licensed, certificated, or otherwise legally authorized to 33397
practice physical therapy under sections 4755.40 to 4755.56 of the 33398
Revised Code, occupational therapists who are licensed, 33399
certificated, or otherwise legally authorized to practice 33400
occupational therapy under sections 4755.04 to 4755.13 of the 33401
Revised Code, mechanotherapists who are licensed, certificated, or 33402
otherwise legally authorized to practice mechanotherapy under 33403
section 4731.151 of the Revised Code, and doctors of medicine and 33404
surgery, osteopathic medicine and surgery, or podiatric medicine 33405
and surgery who are licensed, certificated, or otherwise legally 33406
authorized for their respective practices under this chapter, to 33407
which all of the following apply: 33408

(a) Each physician who is a member of the group practice 33409
provides substantially the full range of services that the 33410
physician routinely provides, including medical care, 33411
consultation, diagnosis, or treatment, through the joint use of 33412
shared office space, facilities, equipment, and personnel. 33413

(b) Substantially all of the services of the members of the 33414
group are provided through the group and are billed in the name of 33415

the group and amounts so received are treated as receipts of the group. 33416
33417

(c) The overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group. 33418
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(d) The group practice meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code. 33421
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(2) In the case of a faculty practice plan associated with a hospital with a medical residency training program in which physician members may provide a variety of specialty services and provide professional services both within and outside the group, as well as perform other tasks such as research, the criteria in division (E)(1) of this section apply only with respect to services rendered within the faculty practice plan. 33424
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(F) "Home health care services" and "immediate family" have the same meanings as in the rules adopted under section 4731.70 of the Revised Code. 33431
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(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 33434
33435

(H) A "referral" includes both of the following: 33436

(1) A request by a holder of a certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician; 33437
33438
33439
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(2) A request for or establishment of a plan of care by a certificate holder that includes the provision of designated health services. 33441
33442
33443

(I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code. 33444
33445

Sec. 4731.71. The auditor of state may implement procedures 33446
to detect violations of section 4731.66 or 4731.69 of the Revised 33447
Code within governmental health care programs administered by the 33448
state. The auditor of state shall report any violation of either 33449
section to the state medical board and shall certify to the 33450
attorney general in accordance with section 131.02 of the Revised 33451
Code the amount of any refund owed to a state-administered 33452
governmental health care program under section 4731.69 of the 33453
Revised Code as a result of a violation. If a refund is owed to 33454
the medical assistance program established under Chapter 5111. of 33455
the Revised Code, the nonfederal medical assistance program 33456
established under Chapter 5114. of the Revised Code, or the 33457
disability medical assistance program established under Chapter 33458
5115. of the Revised Code, the auditor of state also shall report 33459
the amount to the department of commerce. 33460

The state medical board also may implement procedures to 33461
detect violations of section 4731.66 or 4731.69 of the Revised 33462
Code. 33463

Sec. 4743.05. Except as otherwise provided in sections 33464
4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all 33465
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 33466
4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 33467
4741., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4771., 33468
4775., 4779., and 4781. of the Revised Code shall be paid into the 33469
state treasury to the credit of the occupational licensing and 33470
regulatory fund, which is hereby created for use in administering 33471
such chapters. 33472

At the end of each quarter, the director of budget and 33473
management shall transfer from the occupational licensing and 33474
regulatory fund to the nurse education assistance fund created in 33475
section 3333.28 of the Revised Code the amount certified to the 33476

director under division (B) of section 4723.08 of the Revised Code. 33477
33478

At the end of each quarter, the director shall transfer from 33479
the occupational licensing and regulatory fund to the certified 33480
public accountant education assistance fund created in section 33481
4701.26 of the Revised Code the amount certified to the director 33482
under division (H)(2) of section 4701.10 of the Revised Code. 33483

Sec. 4755.03. ~~All~~ Except as provided in section 4755.99 of 33484
the Revised Code, all fees and fines collected and assessed under 33485
this chapter by the appropriate section of the Ohio occupational 33486
therapy, physical therapy, and athletic trainers board, shall be 33487
deposited into the state treasury to the credit of the 33488
occupational licensing and regulatory fund. 33489

Sec. 4766.05. (A) The Ohio medical transportation board shall 33490
establish by rule a license fee, a permit fee for each ambulance, 33491
ambulette, rotorcraft air ambulance, fixed wing air ambulance, and 33492
nontransport vehicle owned or leased by the licensee that is or 33493
will be used as provided in section 4766.07 of the Revised Code, 33494
and fees for renewals of licenses and permits, taking into 33495
consideration the actual costs incurred by the board in carrying 33496
out its duties under this chapter. However, the fee for each 33497
license and each renewal of a license shall not exceed one hundred 33498
dollars, and the fee for each permit and each renewal of a permit 33499
shall not exceed one hundred dollars for each ambulance, 33500
rotorcraft air ambulance, fixed wing air ambulance, and 33501
nontransport vehicle. The fee for each permit and each renewal of 33502
a permit shall be twenty-five dollars for each ambulette for one 33503
year after ~~the effective date of this amendment~~ March 9, 2004. 33504
Thereafter, the board shall determine by rule the fee, which shall 33505
not exceed fifty dollars, for each permit and each renewal of a 33506
permit for each ambulette. For purposes of establishing fees, 33507

"actual costs" includes the costs of salaries, expenses, 33508
inspection equipment, supervision, and program administration. 33509

(B) The board shall deposit all fees and other moneys 33510
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 33511
the Revised Code in the state treasury to the credit of the ~~Ohio~~ 33512
~~medical transportation trust~~ occupational licensing and regulatory 33513
fund, which is ~~hereby~~ created by section 4743.05 of the Revised 33514
Code. All moneys from the fund shall be used solely for the 33515
salaries and expenses of the board incurred in implementing and 33516
enforcing this chapter. 33517

(C) The board, subject to the approval of the controlling 33518
board, may establish fees in excess of the maximum amounts allowed 33519
under division (A) of this section, but such fees shall not exceed 33520
those maximum amounts by more than fifty per cent. 33521

Sec. 4775.08. (A) The initial and annual renewal fee for a 33522
motor vehicle collision repair registration certificate and for a 33523
temporary motor vehicle collision repair registration certificate 33524
is one hundred fifty dollars for each business location at which 33525
the motor vehicle collision repair operator conducts business as 33526
an operator, except that the board of motor vehicle collision 33527
repair registration, with the approval of the controlling board, 33528
may establish fees in excess of or less than that amount, provided 33529
that such fees do not exceed or are not less than that amount by 33530
more than fifty per cent. 33531

The board shall adjust the fees as necessary in order to 33532
provide for the expenses associated with carrying out this chapter 33533
~~without causing an excessive build up of surplus funds in the~~ 33534
~~motor vehicle collision repair registration fund, which is hereby~~ 33535
~~created in the state treasury.~~ 33536

(B) If the board has notified or attempted to notify a motor 33537
vehicle collision repair operator that the operator is required to 33538

be registered under this chapter, and the operator fails to 33539
register, the initial fee for the registration of such an 33540
unregistered operator for each business location at which the 33541
operator conducts business as an operator, is the initial fee then 33542
in effect plus an additional amount equal to the initial fee then 33543
in effect for each calendar year that the operator is not 33544
registered after the board has notified or attempted to notify the 33545
operator. 33546

(C) The board shall deposit all fees and fines collected 33547
under this chapter into the ~~motor vehicle collision repair~~ 33548
~~registration fund. The board shall use the fund solely for the~~ 33549
~~administration and enforcement of this chapter~~ occupational 33550
licensing and regulatory fund created by section 4743.05 of the 33551
Revised Code. 33552

Sec. 4921.40. In accordance with section 4921.04 of the 33553
Revised Code, the public utilities commission may adopt rules: 33554

(A) Providing for binding estimates by motor transportation 33555
companies engaged, for hire, in the business of transporting 33556
household goods over a public highway in this state; 33557

(B) Providing for guaranteed-not-to-exceed estimates by such 33558
motor transportation companies; 33559

(C) Requiring such motor transportation companies to include 33560
their certificate number in all advertising, written estimates, 33561
and contracts related to the transportation of household goods in 33562
this state; 33563

(D) As are necessary and proper to carry out this chapter 33564
with respect to such motor transportation companies; 33565

(E) Providing for the enforcement of the consumer protection 33566
provisions of Title 49 of the United States Code related to the 33567
delivery and transportation of household goods in interstate 33568

commerce, as permitted by 49 U.S.C. 14710. Any fine or penalty 33569
imposed as a result of such enforcement shall be deposited into 33570
the state treasury to the credit of the general revenue fund. 33571

Sec. 4923.26. There is hereby created in the state treasury 33572
the federal commercial vehicle transportation systems fund. The 33573
fund shall consist of money received from the United States 33574
department of transportation's commercial vehicle intelligent 33575
transportation systems infrastructure deployment program. The 33576
public utilities commission shall use the fund to deploy the Ohio 33577
commercial vehicle information systems networks project and to 33578
improve safety of motor carrier operations through electronic 33579
exchange of data by means of on-highway electronic systems. 33580

Sec. 5101.16. (A) As used in this section and sections 33581
5101.161 and 5101.162 of the Revised Code: 33582

(1) "Disability financial assistance" means the financial 33583
assistance program established under Chapter 5115. of the Revised 33584
Code. 33585

(2) "Disability medical assistance" means the medical 33586
assistance program established under Chapter 5115. of the Revised 33587
Code. 33588

(3) "Food stamps" means the program administered by the 33589
department of job and family services pursuant to section 5101.54 33590
of the Revised Code. 33591

(4) "Medicaid" means the medical assistance program 33592
established by Chapter 5111. of the Revised Code, excluding 33593
transportation services provided under that chapter. 33594

(5) "Ohio works first" means the program established by 33595
Chapter 5107. of the Revised Code. 33596

(6) "Prevention, retention, and contingency" means the 33597

program established by Chapter 5108. of the Revised Code. 33598

(7) "Public assistance expenditures" means expenditures for 33599
all of the following: 33600

(a) Ohio works first; 33601

(b) County administration of Ohio works first; 33602

(c) Prevention, retention, and contingency; 33603

(d) County administration of prevention, retention, and 33604
contingency; 33605

(e) Disability financial assistance; 33606

(f) Disability medical assistance; 33607

(g) Nonfederal medical assistance; 33608

(h) County administration of disability financial assistance; 33609

~~(h)~~(i) County administration of disability medical 33610
assistance; 33611

~~(i)~~(j) County administration of food stamps; 33612

~~(j)~~(k) County administration of medicaid. 33613

(8) "Title IV-A program" has the same meaning as in section 33614
5101.80 of the Revised Code. 33615

(9) "Nonfederal medical assistance" means the medical 33616
assistance program established under Chapter 5114. of the Revised 33617
Code. 33618

(B) Each board of county commissioners shall pay the county 33619
share of public assistance expenditures in accordance with section 33620
5101.161 of the Revised Code. Except as provided in division (C) 33621
of this section, a county's share of public assistance 33622
expenditures is the sum of all of the following for state fiscal 33623
year 1998 and each state fiscal year thereafter: 33624

(1) The amount that is twenty-five per cent of the county's 33625

total expenditures for disability financial assistance ~~and~~, 33626
disability medical assistance, and nonfederal medical assistance 33627
and county administration of those programs during the state 33628
fiscal year ending in the previous calendar year that the 33629
department of job and family services determines are allowable. 33630

(2) The amount that is ten per cent, or other percentage 33631
determined under division (D) of this section, of the county's 33632
total expenditures for county administration of food stamps and 33633
medicaid during the state fiscal year ending in the previous 33634
calendar year that the department determines are allowable, less 33635
the amount of federal reimbursement credited to the county under 33636
division (E) of this section for the state fiscal year ending in 33637
the previous calendar year; 33638

(3) A percentage of the actual amount of the county share of 33639
program and administrative expenditures during federal fiscal year 33640
1994 for assistance and services, other than child care, provided 33641
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 33642
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 33643
enactment of the "Personal Responsibility and Work Opportunity 33644
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 33645
and family services shall determine the actual amount of the 33646
county share from expenditure reports submitted to the United 33647
States department of health and human services. The percentage 33648
shall be the percentage established in rules adopted under 33649
division (F) of this section. 33650

(C)(1) If a county's share of public assistance expenditures 33651
determined under division (B) of this section for a state fiscal 33652
year exceeds one hundred ten per cent of the county's share for 33653
those expenditures for the immediately preceding state fiscal 33654
year, the department of job and family services shall reduce the 33655
county's share for expenditures under divisions (B)(1) and (2) of 33656
this section so that the total of the county's share for 33657

expenditures under division (B) of this section equals one hundred 33658
ten per cent of the county's share of those expenditures for the 33659
immediately preceding state fiscal year. 33660

(2) A county's share of public assistance expenditures 33661
determined under division (B) of this section may be increased 33662
pursuant to section 5101.163 of the Revised Code and a sanction 33663
under section 5101.24 of the Revised Code. An increase made 33664
pursuant to section 5101.163 of the Revised Code may cause the 33665
county's share to exceed the limit established by division (C)(1) 33666
of this section. 33667

(D)(1) If the per capita tax duplicate of a county is less 33668
than the per capita tax duplicate of the state as a whole and 33669
division (D)(2) of this section does not apply to the county, the 33670
percentage to be used for the purpose of division (B)(2) of this 33671
section is the product of ten multiplied by a fraction of which 33672
the numerator is the per capita tax duplicate of the county and 33673
the denominator is the per capita tax duplicate of the state as a 33674
whole. The department of job and family services shall compute the 33675
per capita tax duplicate for the state and for each county by 33676
dividing the tax duplicate for the most recent available year by 33677
the current estimate of population prepared by the department of 33678
development. 33679

(2) If the percentage of families in a county with an annual 33680
income of less than three thousand dollars is greater than the 33681
percentage of such families in the state and division (D)(1) of 33682
this section does not apply to the county, the percentage to be 33683
used for the purpose of division (B)(2) of this section is the 33684
product of ten multiplied by a fraction of which the numerator is 33685
the percentage of families in the state with an annual income of 33686
less than three thousand dollars a year and the denominator is the 33687
percentage of such families in the county. The department of job 33688
and family services shall compute the percentage of families with 33689

an annual income of less than three thousand dollars for the state 33690
and for each county by multiplying the most recent estimate of 33691
such families published by the department of development, by a 33692
fraction, the numerator of which is the estimate of average annual 33693
personal income published by the bureau of economic analysis of 33694
the United States department of commerce for the year on which the 33695
census estimate is based and the denominator of which is the most 33696
recent such estimate published by the bureau. 33697

(3) If the per capita tax duplicate of a county is less than 33698
the per capita tax duplicate of the state as a whole and the 33699
percentage of families in the county with an annual income of less 33700
than three thousand dollars is greater than the percentage of such 33701
families in the state, the percentage to be used for the purpose 33702
of division (B)(2) of this section shall be determined as follows: 33703

(a) Multiply ten by the fraction determined under division 33704
(D)(1) of this section; 33705

(b) Multiply the product determined under division (D)(3)(a) 33706
of this section by the fraction determined under division (D)(2) 33707
of this section. 33708

(4) The department of job and family services shall 33709
determine, for each county, the percentage to be used for the 33710
purpose of division (B)(2) of this section not later than the 33711
first day of July of the year preceding the state fiscal year for 33712
which the percentage is used. 33713

(E) The department of job and family services shall credit to 33714
a county the amount of federal reimbursement the department 33715
receives from the United States departments of agriculture and 33716
health and human services for the county's expenditures for 33717
administration of food stamps and medicaid that the department 33718
determines are allowable administrative expenditures. 33719

(F)(1) The director of job and family services shall adopt 33720

rules in accordance with section 111.15 of the Revised Code to 33721
establish all of the following: 33722

(a) The method the department is to use to change a county's 33723
share of public assistance expenditures determined under division 33724
(B) of this section as provided in division (C) of this section; 33725

(b) The allocation methodology and formula the department 33726
will use to determine the amount of funds to credit to a county 33727
under this section; 33728

(c) The method the department will use to change the payment 33729
of the county share of public assistance expenditures from a 33730
calendar-year basis to a state fiscal year basis; 33731

(d) The percentage to be used for the purpose of division 33732
(B)(3) of this section, which shall, except as provided in section 33733
5101.163 of the Revised Code, meet both of the following 33734
requirements: 33735

(i) The percentage shall not be less than seventy-five per 33736
cent nor more than eighty-two per cent; 33737

(ii) The percentage shall not exceed the percentage that the 33738
state's qualified state expenditures is of the state's historic 33739
state expenditures as those terms are defined in 42 U.S.C. 33740
609(a)(7). 33741

(e) Other procedures and requirements necessary to implement 33742
this section. 33743

(2) The director of job and family services may amend the 33744
rule adopted under division (F)(1)(d) of this section to modify 33745
the percentage on determination that the amount the general 33746
assembly appropriates for Title IV-A programs makes the 33747
modification necessary. The rule shall be adopted and amended as 33748
if an internal management rule and in consultation with the 33749
director of budget and management. 33750

Sec. 5101.162. Subject to available federal funds and 33751
appropriations made by the general assembly, the department of job 33752
and family services may, at its sole discretion, use available 33753
federal funds to reimburse county expenditures for county 33754
administration of food stamps or medicaid even though the county 33755
expenditures meet or exceed the maximum allowable reimbursement 33756
amount established by rules adopted under section 5101.161 of the 33757
Revised Code ~~if the board of county commissioners has entered into~~ 33758
~~a fiscal agreement with the director of job and family services~~ 33759
~~under section 5101.21 of the Revised Code.~~ The director may adopt 33760
internal management rules in accordance with section 111.15 of the 33761
Revised Code to implement this section. 33762

Sec. 5101.17. In determining the need of any person under 33763
Chapter 5107., 5114., or 5115. of the Revised Code, the first 33764
eighty-five dollars plus one-half of the excess over eighty-five 33765
dollars of payments made to or in behalf of any person for or with 33766
respect to any month under Title I or II of the "Economic 33767
Opportunity Act of 1964," 78 Stat. 508, 42 U.S.C.A. 2701, as 33768
amended, shall not be regarded as income or resources. No payments 33769
made under such titles shall be regarded as income or resources of 33770
another individual except to the extent that they are made 33771
available to the other individual. No grant made to any family 33772
under Title III of such act shall be regarded as income or 33773
resources in determining the need of any member of such family 33774
under Chapter 5107., 5114., or 5115. of the Revised Code. 33775

Sec. 5101.181. (A) As used in this section and section 33776
5101.182 of the Revised Code, "public assistance" includes, in 33777
addition to Ohio works first, all of the following: 33778

(1) Prevention, retention, and contingency; 33779

(2) Medicaid; 33780

(3) Nonfederal medical assistance; 33781

(4) Disability financial assistance; 33782

~~(4)~~(5) Disability medical assistance; 33783

~~(5)~~(6) General assistance provided prior to July 17, 1995,
under former Chapter 5113. of the Revised Code. 33784
33785

(B) As part of the procedure for the determination of 33786
overpayment to a recipient of public assistance under Chapter 33787
5107., 5108., 5111., 5114., or 5115. of the Revised Code, the 33788
director of job and family services shall furnish quarterly the 33789
name and social security number of each individual who receives 33790
public assistance to the director of administrative services, the 33791
administrator of the bureau of workers' compensation, and each of 33792
the state's retirement boards. Within fourteen days after 33793
receiving the name and social security number of an individual who 33794
receives public assistance, the director of administrative 33795
services, administrator, or board shall inform the auditor of 33796
state as to whether such individual is receiving wages or 33797
benefits, the amount of any wages or benefits being received, the 33798
social security number, and the address of the individual. The 33799
director of administrative services, administrator, boards, and 33800
any agent or employee of those officials and boards shall comply 33801
with the rules of the director of job and family services 33802
restricting the disclosure of information regarding recipients of 33803
public assistance. Any person who violates this provision shall 33804
thereafter be disqualified from acting as an agent or employee or 33805
in any other capacity under appointment or employment of any state 33806
board, commission, or agency. 33807

(C) The auditor of state may enter into a reciprocal 33808
agreement with the director of job and family services or 33809
comparable officer of any other state for the exchange of names, 33810
current or most recent addresses, or social security numbers of 33811

persons receiving public assistance under Title IV-A or under 33812
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 33813
U.S.C. 301, as amended. 33814

(D)(1) The auditor of state shall retain, for not less than 33815
two years, at least one copy of all information received under 33816
this section and sections 145.27, 742.41, 3307.20, 3309.22, 33817
4123.27, 5101.182, and 5505.04 of the Revised Code. The auditor 33818
shall review the information to determine whether overpayments 33819
were made to recipients of public assistance under Chapters 5107., 33820
5108., 5111., 5114., and 5115. of the Revised Code. The auditor of 33821
state shall initiate action leading to prosecution, where 33822
warranted, of recipients who received overpayments by forwarding 33823
the name of each recipient who received overpayment, together with 33824
other pertinent information, to the director of job and family 33825
services and the attorney general, to the district director of job 33826
and family services of the district through which public 33827
assistance was received, and to the county director of job and 33828
family services and county prosecutor of the county through which 33829
public assistance was received. 33830

(2) The auditor of state and the attorney general or their 33831
designees may examine any records, whether in computer or printed 33832
format, in the possession of the director of job and family 33833
services or any county director of job and family services. They 33834
shall provide safeguards which restrict access to such records to 33835
purposes directly connected with an audit or investigation, 33836
prosecution, or criminal or civil proceeding conducted in 33837
connection with the administration of the programs and shall 33838
comply with the rules of the director of job and family services 33839
restricting the disclosure of information regarding recipients of 33840
public assistance. Any person who violates this provision shall 33841
thereafter be disqualified from acting as an agent or employee or 33842
in any other capacity under appointment or employment of any state 33843

board, commission, or agency. 33844

(3) Costs incurred by the auditor of state in carrying out 33845
the auditor of state's duties under this division shall be borne 33846
by the auditor of state. 33847

Sec. 5101.182. As part of the procedure for the determination 33848
of overpayment to a recipient of public assistance under Chapter 33849
5107., 5111., 5114., or 5115. of the Revised Code, the director of 33850
job and family services shall semiannually, at times determined 33851
jointly by the auditor of state and the tax commissioner, furnish 33852
to the tax commissioner in computer format the name and social 33853
security number of each individual who receives public assistance. 33854
Within sixty days after receiving the name and social security 33855
number of a recipient of public assistance, the commissioner shall 33856
inform the auditor of state whether the individual filed an Ohio 33857
individual income tax return, separate or joint, as provided by 33858
section 5747.08 of the Revised Code, for either or both of the two 33859
taxable years preceding the year in which the director furnished 33860
the names and social security numbers to the commissioner. If the 33861
individual did so file, at the same time the commissioner shall 33862
also inform the auditor of state of the amount of the federal 33863
adjusted gross income as reported on such returns and of the 33864
addresses on such returns. The commissioner shall also advise the 33865
auditor of state whether such returns were filed on a joint basis, 33866
as provided in section 5747.08 of the Revised Code, in which case 33867
the federal adjusted gross income as reported may be that of the 33868
individual or the individual's spouse. 33869

33870
If the auditor of state determines that further investigation 33871
is needed, the auditor of state may request the commissioner to 33872
determine whether the individual filed income tax returns for any 33873
previous taxable years in which the individual received public 33874

assistance and for which the tax department retains income tax returns. Within fourteen days of receipt of the request, the commissioner shall inform the auditor of state whether the individual filed an individual income tax return for the taxable years in question, of the amount of the federal adjusted gross income as reported on such returns, of the addresses on such returns, and whether the returns were filed on a joint or separate basis.

If the auditor of state determines that further investigation is needed of a recipient of public assistance who filed an Ohio individual income tax return, the auditor of state may request a certified copy of the Ohio individual income tax return or returns of that person for the taxable years described above, together with any other documents the commissioner has concerning the return or returns. Within fourteen days of receipt of such a request in writing, the commissioner shall forward the returns and documents to the auditor of state.

The director of job and family services, district director of job and family services, county director of job and family services, county prosecutor, attorney general, auditor of state, or any agent or employee of those officials having access to any information or documents furnished by the commissioner pursuant to this section shall not divulge or use any such information except for the purpose of determining overpayment of public assistance, or for an audit, investigation, or prosecution, or in accordance with a proper judicial order. Any person who violates this provision shall thereafter be disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state or county board, commission, or agency.

Sec. 5101.184. (A) The director of job and family services shall work with the tax commissioner to collect overpayments of

assistance under Chapter 5107., 5111., 5114., or 5115., former 33906
Chapter 5113., or section 5101.54 of the Revised Code from refunds 33907
of state income taxes for taxable year 1992 and thereafter that 33908
are payable to the recipients of such overpayments. 33909

Any overpayment of assistance, whether obtained by fraud or 33910
misrepresentation, as the result of an error by the recipient or 33911
by the agency making the payment, or in any other manner, may be 33912
collected under this section. Any reduction under section 5747.12 33913
or 5747.121 of the Revised Code to an income tax refund shall be 33914
made before a reduction under this section. No reduction shall be 33915
made under this section if the amount of the refund is less than 33916
twenty-five dollars after any reduction under section 5747.12 of 33917
the Revised Code. A reduction under this section shall be made 33918
before any part of the refund is contributed under section 33919
5747.113 of the Revised Code, or is credited under section 5747.12 33920
of the Revised Code against tax due in any subsequent year. 33921

The director and the tax commissioner, by rules adopted in 33922
accordance with Chapter 119. of the Revised Code, shall establish 33923
procedures to implement this division. The procedures shall 33924
provide for notice to a recipient of assistance and an opportunity 33925
for the recipient to be heard before the recipient's income tax 33926
refund is reduced. 33927

(B) The director of job and family services may enter into 33928
agreements with the federal government to collect overpayments of 33929
assistance from refunds of federal income taxes that are payable 33930
to recipients of the overpayments. 33931

Sec. 5101.21. (A) As used in ~~this section,~~ "county signer 33932
sections 5101.21 to 5101.212 of the Revised Code: 33933

(1) "County grantee" means all of the following: 33934

~~(1)~~(a) A board of county commissioners; 33935

~~(2)(b) A county children services board appointed under section 5153.03 of the Revised Code if required by division (B) of this section to enter into a fiscal agreement;~~ 33936
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~~(3)(c) A county elected official that is a child support enforcement agency if required by division (B) of this section to enter into a fiscal agreement.~~ 33939
33940
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(2) "County subgrant" means a grant that a county grantee awards to another entity. 33942
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(3) "County subgrant agreement" means an agreement between a county grantee and another entity under which the county grantee awards the other entity one or more county subgrants. 33944
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(4) "Fiscal biennial period" means a two-year period beginning on the first day of July of an odd-numbered year and ending on the last day of June of the next odd-numbered year. 33947
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(5) "Grant" means an award for one or more family services duties of federal financial assistance that a federal agency provides in the form of money, or property in lieu of money, to the department of job and family services and that the department awards to a county grantee. "Grant" may include state funds the department awards to a county grantee to match the federal financial assistance. "Grant" does not mean either of the following: 33950
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(a) Technical assistance that provides services instead of money; 33958
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(b) Other assistance provided in the form of revenue sharing, loans, loan guarantees, interest subsidies, or insurance. 33960
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(6) "Grant agreement" means an agreement between the department of job and family services and a county grantee under which the department awards the county grantee one or more grants. 33962
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(B) ~~The~~ Effective July 1, 2008, the director of job and 33965

family services may award grants to counties only through grant 33966
agreements entered into under this section. 33967

(C) The director shall enter into one or more written ~~fiscal~~ 33968
grant agreements with ~~boards of the~~ county ~~commissioners under~~ 33969
~~which financial assistance is awarded for family services duties~~ 33970
~~included in the agreements grantees of each county. Boards of~~ 33971
~~county commissioners shall select which family services duties to~~ 33972
~~include in a fiscal agreement. If a board of county commissioners~~ 33973
~~elects to include family services duties of a public children~~ 33974
~~services agency and a county children services board appointed~~ 33975
~~under section 5153.03 of the Revised Code serves as the county's~~ 33976
~~public children services agency, the board of county commissioners~~ 33977
~~and county children services board shall jointly enter into the~~ 33978
~~fiscal agreement with the director. If a board of county~~ 33979
~~commissioners elects to include family services duties of a child~~ 33980
~~support enforcement agency and the entity designated under former~~ 33981
~~section 2301.35 of the Revised Code prior to October 1, 1997, or~~ 33982
~~designated under section 307.981 of the Revised Code as the~~ 33983
~~county's child support enforcement agency is an elected official~~ 33984
~~of the county, the board of county commissioners and county~~ 33985
~~elected official~~ If a county has multiple county grantees, the 33986
director shall jointly enter into the ~~fiscal~~ grant agreement with 33987
the director all of the county grantees. The initial grant 33988
agreement shall be entered into not later than January 31, 2008, 33989
and shall be in effect for fiscal year 2009. Except as provided in 33990
rules adopted under this section, subsequent grant agreements 33991
shall be entered into before the first day of each successive 33992
fiscal biennial period and shall be in effect for that fiscal 33993
biennial period or, in the case of a grant agreement entered into 33994
after the first day of a fiscal biennial period and except as 33995
provided by section 5101.211 of the Revised Code, for the 33996
remainder of the fiscal biennial period. A ~~fiscal~~ grant agreement 33997
shall do all of the following: 33998

(1) Comply with all of the conditions, requirements, and restrictions applicable to the family services duties for which the grants included in the agreement are awarded, including the conditions, requirements, and restrictions established by the department, federal or state law, state plans for receipt of federal financial participation, agreements between the department and a federal agency, and executive orders issued by the governor; 33999
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(2) Establish terms and conditions governing the accountability for and use of the grants included in the grant agreement; 34006
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(3) Specify ~~the~~ both of the following: 34009

(a) The family services duties ~~included in the agreement and~~ the ~~for which the grants included in the agreement are awarded;~~ 34010
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(b) The private and government entities designated under section 307.981 of the Revised Code to serve as the county family services agencies performing the family services duties; 34012
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~~(2)~~(4) Provide for the department of job and family services to award ~~financial assistance for the family services duties~~ grants included in the agreement in accordance with a methodology for determining the amount of the award established by rules adopted under ~~division (D)~~ of this section; 34015
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~~(3)~~(5) Specify the form of the ~~award of financial assistance~~ grants which may be ~~an allocation, a~~ cash draw, reimbursement, property, advance, working capital advance, or, to the extent authorized by an appropriation made by the general assembly and to the extent practicable and not in conflict with a federal or state law, a consolidated funding allocation for two or more family services duties included in the agreement other forms specified in rules adopted under this section; 34020
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~~(4)~~(6) Provide that the ~~award of financial assistance is~~ grants are subject to the availability of federal funds and 34028
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appropriations made by the general assembly; 34030

~~(5)~~(7) Specify annual financial, administrative, or other 34031
incentive awards, if any, to be provided in accordance with 34032
section 5101.23 of the Revised Code; 34033

~~(6)~~(8) Include the assurance of each county ~~signer~~ grantee 34034
that the county ~~signer~~ grantee will do all of the following: 34035

(a) Ensure that the ~~financial assistance awarded under grants~~ 34036
included in the agreement is are used, and the family services 34037
duties ~~included in for which the agreement grants are awarded~~ are 34038
performed, in accordance with conditions, requirements for, and 34039
restrictions applicable to the duties established by the 34040
department, a federal or state law, ~~or any of the following that~~ 34041
~~concern the family services duties included in the fiscal~~ 34042
~~agreement and are published under section 5101.212 of the Revised~~ 34043
~~Code~~; state plans for receipt of federal financial participation, 34044
~~grant~~ agreements between the department and a federal agency, and 34045
executive orders issued by the governor; 34046

(b) ~~Ensure that the board and county family services agencies~~ 34047
~~utilize~~ Utilize a financial management system and other 34048
accountability mechanisms for the ~~financial assistance grants~~ 34049
awarded under the agreement that meet requirements the department 34050
establishes; 34051

(c) ~~Require the county family services agencies to do both~~ Do 34052
all of the following with regard to a county subgrant: 34053

(i) Award the subgrant through a written county subgrant 34054
agreement that requires the entity awarded the county subgrant to 34055
comply with all conditions, requirements, and restrictions 34056
applicable to the county grantee regarding the grant that the 34057
county grantee subgrants to the entity, including the conditions, 34058
requirements, and restrictions of this section; 34059

(ii) ~~Monitor all private and government entities~~ the entity 34060

that ~~receive a payment from financial assistance is~~ awarded under 34061
the ~~agreement subgrant~~ to ensure that each ~~the~~ entity uses the 34062
~~payment subgrant~~ in accordance with conditions, requirements ~~for~~, 34063
and restrictions applicable to the family services duties included 34064
in for which the agreement subgrant is awarded; 34065

~~(ii)(iii)~~ Take action to recover ~~payments subgrants~~ that are 34066
not used in accordance with the conditions, requirements ~~for, or~~ 34067
restrictions applicable to the family services duties included in 34068
for which the agreement subgrant is awarded. 34069

~~(d) Require county family services agencies to promptly~~ 34070
Promptly reimburse the department the amount that represents the 34071
amount ~~an agency the county grantee~~ is responsible for, pursuant 34072
to action the department takes under division (C) of section 34073
5101.24 of the Revised Code, of funds the department pays to any 34074
entity because of an adverse audit finding, adverse quality 34075
control finding, final disallowance of federal financial 34076
participation, or other sanction or penalty; 34077

~~(e) Require county family services agencies to take~~ Take 34078
prompt corrective action, including paying amounts resulting from 34079
an adverse finding, sanction, or penalty, if the department, 34080
auditor of state, federal agency, or other entity authorized by 34081
federal or state law to determine compliance with the conditions, 34082
requirements ~~for~~, and restrictions applicable to a family services 34083
duty for which a grant included in the agreement is awarded 34084
determines compliance has not been achieved; 34085

(f) Ensure that any matching funds, regardless of the source, 34086
that the county grantee manages are clearly identified and used in 34087
accordance with federal and state laws and the agreement. 34088

~~(7)(9)~~ Provide for the department taking action pursuant to 34089
division (C) of section 5101.24 of the Revised Code if authorized 34090
by division (B)(1), (2), (3), or (4) of that section; 34091

~~(8)(10)~~ Provide for timely audits required by federal and state law and require prompt release of audit findings and prompt action to correct problems identified in an audit; 34092
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~~(9)~~ ~~Comply with all of the requirements for the family services duties that are included in the agreement and have been established by the department, federal or state law, or any of the following that concern the family services duties included in the fiscal agreement and are published under section 5101.212 of the Revised Code: state plans for receipt of federal financial participation, grant agreements between the department and a federal agency, and executive orders issued by the governor;~~ 34095
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~~(10)(11)~~ Provide for dispute resolution administrative review procedures in accordance with section 5101.24 of the Revised Code; 34103
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~~(11)(12)~~ Establish the method of amending or terminating the agreement and an expedited process for correcting terms or conditions of the agreement that the director and each county signer grantee agree are erroneous; 34105
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~~(12)~~ ~~Except as provided in rules adopted under division (D) of this section, begin on the first day of July of an odd numbered year and end on the last day of June of the next odd numbered year.~~ 34109
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~~(C)(D)~~ A grant agreement does not have to be amended for a county grantee to be required to comply with a new or amended condition, requirement, or restriction for a family services duty established by federal or state law, state plan for receipt of federal financial participation, agreement between the department and a federal agency, or executive order issued by the governor. 34113
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~~(E)~~ The department shall make payments authorized by a fiscal grant agreement on vouchers it prepares and may include any funds appropriated or allocated to it for carrying out family services duties for which a grant included in the agreement is awarded, 34119
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including funds for personal services and maintenance. 34123

~~(D)~~(F)(1) The director shall adopt rules in accordance with 34124
section 111.15 of the Revised Code governing fiscal grant 34125
agreements. The director shall adopt the rules as if they were 34126
internal management rules. Before adopting the rules, the director 34127
shall give the public an opportunity to review and comment on the 34128
proposed rules. The rules shall establish methodologies to be used 34129
to determine the amount of ~~financial assistance to be awarded~~ 34130
under the grants included in the agreements. The rules also shall 34131
establish terms and conditions under which an agreement may be 34132
entered into after the first day of ~~July of an odd numbered year a~~ 34133
fiscal biennial period. The rules may do any or all of the 34134
following: 34135

(a) Govern the award of grants included in grant agreements, 34136
including the establishment of allocations, and restrictions on, 34137
the form of the grants and the distribution of the grants; 34138

(b) Specify allowable uses of ~~financial assistance awarded~~ 34139
under the grants included in the agreements; 34140

(c) Establish reporting, cash management, audit, and other 34141
requirements the director determines are necessary to provide 34142
accountability for the use of ~~financial assistance awarded under~~ 34143
the grants included in the agreements and determine compliance 34144
with conditions, requirements, and restrictions established by the 34145
department, a federal or state law, ~~or any of the following that~~ 34146
~~concern the family services duties included in the agreements and~~ 34147
~~are published under section 5101.212 of the Revised Code;~~ state 34148
plans for receipt of federal financial participation, ~~grant~~ 34149
agreements between the department and a federal ~~entity~~ agency, and 34150
executive orders issued by the governor. 34151

(2) A requirement of a ~~fiscal grant~~ grant agreement established by 34152
a rule adopted under this division is applicable to a ~~fiscal grant~~ 34153

agreement without having to be restated in the ~~fiscal grant~~ 34154
agreement. A requirement established by a grant agreement is 34155
applicable to the grant agreement without having to be restated in 34156
a rule. 34157

Sec. 5101.211. ~~(A) Except as provided in division (B) of this~~ 34158
~~section, the~~ The director of job and family services may provide 34159
for a ~~fiscal grant~~ agreement entered into under section 5101.21 of 34160
the Revised Code to have a retroactive effective date of the first 34161
day of July of an odd-numbered year if both of the following are 34162
the case: 34163

~~(1)(A)~~ (A) The agreement is entered into after that date and 34164
before the last day of that July. 34165

~~(2)(B)~~ (B) The board of county commissioners requests the 34166
retroactive effective date and provides the director good cause 34167
satisfactory to the director for the reason the agreement was not 34168
entered into on or before the first day of that July. 34169

~~(B) The director may provide for a fiscal agreement to have a~~ 34170
~~retroactive effective date of July 1, 2003, if both of the~~ 34171
~~following are the case:~~ 34172

~~(1) The agreement is entered into after July 1, 2003, and~~ 34173
~~before August 29, 2003.~~ 34174

~~(2) The board of county commissioners requests the~~ 34175
~~retroactive effective date.~~ 34176

Sec. 5101.212. The department of job and family services 34177
shall publish in a manner accessible to the public all of the 34178
following that concern family services duties for which grants 34179
included in ~~fiscal grant~~ agreements entered into under section 34180
5101.21 of the Revised Code are awarded: state plans for receipt 34181
of federal financial participation, ~~grant~~ agreements between the 34182
department and a federal agency, and executive orders issued by 34183

the governor. The department may publish the materials 34184
electronically or otherwise. 34185

Sec. 5101.213. (A) ~~Except as provided in section 5101.211 of~~ 34186
~~the Revised Code, if a fiscal agreement under section 5101.21 of~~ 34187
~~the Revised Code between the director of job and family services~~ 34188
~~and a board of county commissioners is not in effect~~ Until July 1, 34189
2008, all of the following apply: 34190

(1) ~~The~~ For each board of county commissioners, the 34191
department of job and family services shall award to the county 34192
the board serves financial assistance for family services duties 34193
in accordance with a methodology for determining the amount of the 34194
award established by rules adopted under division (B) of this 34195
section. 34196

(2) The financial assistance may be provided in the form of 34197
allocations, cash draws, reimbursements, and property but may not 34198
be made in the form of a consolidated funding allocation. 34199

(3) The award of the financial assistance is subject to the 34200
availability of federal funds and appropriations made by the 34201
general assembly. 34202

(4) The county family services agencies performing the family 34203
services duties for which the financial assistance is awarded 34204
shall do all of the following: 34205

(a) Use the financial assistance, and perform the family 34206
services duties, in accordance with requirements for the duties 34207
established by the department, a federal or state law, or any of 34208
the following that concern the duties: state plans for receipt of 34209
federal financial participation, grant agreements between the 34210
department and a federal agency, and executive orders issued by 34211
the governor; 34212

(b) Utilize a financial management system and other 34213

accountability mechanisms for the financial assistance that meet 34214
requirements the department establishes; 34215

(c) Monitor all private and government entities that receive 34216
a payment from the financial assistance to ensure that each entity 34217
uses the payment in accordance with requirements for the family 34218
services duties and take action to recover payments that are not 34219
used in accordance with the requirements for the family services 34220
duties; 34221

(d) Promptly reimburse the department the amount that 34222
represents the amount an agency is responsible for, pursuant to 34223
action the department takes under division (C) of section 5101.24 34224
of the Revised Code, of funds the department pays to any entity 34225
because of an adverse audit finding, adverse quality control 34226
finding, final disallowance of federal financial participation, or 34227
other sanction or penalty; 34228

(e) Take prompt corrective action, including paying amounts 34229
resulting from an adverse finding, sanction, or penalty, if the 34230
department, auditor of state, federal agency, or other entity 34231
authorized by federal or state law to determine compliance with 34232
requirements for a family services duty determines compliance has 34233
not been achieved. 34234

(B) The director shall adopt rules in accordance with section 34235
111.15 of the Revised Code as necessary to implement this section. 34236
The director shall adopt the rules as if they were internal 34237
management rules. Before adopting the rules, the director shall 34238
give the public an opportunity to review and comment on the 34239
proposed rules. The rules shall establish methodologies to be used 34240
to determine the amount of financial assistance to be awarded and 34241
may do any or all of the following: 34242

(1) Govern the establishment of funding allocations; 34243

(2) Specify allowable uses of financial assistance the 34244

department awards under this section; 34245

(3) Establish reporting, cash management, audit, and other 34246
requirements the director determines are necessary to provide 34247
accountability for the use of the financial assistance and 34248
determine compliance with requirements established by the 34249
department, a federal or state law, or any of the following that 34250
concern the family services duties for which the financial 34251
assistance is awarded: state plans for receipt of federal 34252
financial participation, grant agreements between the department 34253
and a federal entity, and executive orders issued by the governor. 34254

Sec. 5101.24. (A) As used in this section, "responsible 34255
entity county grantee" means ~~a board of county commissioners or a~~ 34256
~~county family services agency,~~ whichever county grantee, as 34257
defined in section 5101.21 of the Revised Code, the director of 34258
job and family services determines is appropriate to take action 34259
against under division (C) of this section. 34260

(B) Regardless of whether a family services duty is performed 34261
by a county family services agency, private or government entity 34262
pursuant to a contract entered into under section 307.982 of the 34263
Revised Code or division (C)(2) of section 5153.16 of the Revised 34264
Code, or private or government provider of a family service duty, 34265
the department of job and family services may take action under 34266
division (C) of this section against the responsible entity county 34267
grantee if the department determines any of the following are the 34268
case: 34269

(1) A requirement of a ~~fiscal~~ grant agreement entered into 34270
under section 5101.21 of the Revised Code that includes a grant 34271
for the family services duty, including a requirement for ~~fiscal~~ 34272
grant agreements established by rules adopted under that section, 34273
is not complied with; 34274

(2) A county family services agency fails to develop, submit 34275

to the department, or comply with a corrective action plan under 34276
division (B) of section 5101.221 of the Revised Code, or the 34277
department disapproves the agency's corrective action plan 34278
developed under division (B) of section 5101.221 of the Revised 34279
Code; 34280

(3) A requirement for the family services duty established by 34281
the department or any of the following is not complied with: a 34282
federal or state law, state plan for receipt of federal financial 34283
participation, grant agreement between the department and a 34284
federal agency, or executive order issued by the governor; 34285

(4) The responsible ~~entity~~ county grantee is solely or 34286
partially responsible, as determined by the director of job and 34287
family services, for an adverse audit finding, adverse quality 34288
control finding, final disallowance of federal financial 34289
participation, or other sanction or penalty regarding the family 34290
services duty. 34291

(C) The department may take one or more of the following 34292
actions against the responsible ~~entity~~ county grantee when 34293
authorized by division (B)(1), (2), (3), or (4) of this section: 34294

(1) Require the responsible ~~entity~~ county grantee to comply 34295
with a corrective action plan pursuant to a time schedule 34296
specified by the department. The corrective action plan shall be 34297
established or approved by the department and shall not require a 34298
county ~~family services agency~~ grantee to commit resources to the 34299
plan. 34300

(2) Require the responsible ~~entity~~ county grantee to comply 34301
with a corrective action plan pursuant to a time schedule 34302
specified by the department. The corrective action plan shall be 34303
established or approved by the department and require a county 34304
~~family services agency~~ grantee to commit to the plan existing 34305
resources identified by the agency. 34306

(3) Require the responsible entity <u>county grantee</u> to do one	34307
of the following:	34308
(a) Share with the department a final disallowance of federal	34309
financial participation or other sanction or penalty;	34310
(b) Reimburse the department the final amount the department	34311
pays to the federal government or another entity that represents	34312
the amount the responsible entity <u>county grantee</u> is responsible	34313
for of an adverse audit finding, adverse quality control finding,	34314
final disallowance of federal financial participation, or other	34315
sanction or penalty issued by the federal government, auditor of	34316
state, or other entity;	34317
(c) Pay the federal government or another entity the final	34318
amount that represents the amount the responsible entity <u>county</u>	34319
<u>grantee</u> is responsible for of an adverse audit finding, adverse	34320
quality control finding, final disallowance of federal financial	34321
participation, or other sanction or penalty issued by the federal	34322
government, auditor of state, or other entity;	34323
(d) Pay the department the final amount that represents the	34324
amount the responsible entity <u>county grantee</u> is responsible for of	34325
an adverse audit finding or adverse quality control finding.	34326
(4) Impose an administrative sanction issued by the	34327
department against the responsible entity <u>county grantee</u> . A	34328
sanction may be increased if the department has previously taken	34329
action against the responsible entity under this division.	34330
(5) Perform, or contract with a government or private entity	34331
for the entity to perform, the family services duty until the	34332
department is satisfied that the responsible entity <u>county grantee</u>	34333
ensures that the duty will be performed satisfactorily. If the	34334
department performs or contracts with an entity to perform a	34335
family services duty under division (C)(5) of this section, the	34336
department may do either or both of the following:	34337

(a) Spend funds in the county treasury appropriated by the board of county commissioners for the duty; 34338
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(b) Withhold funds allocated or reimbursements due to the responsible ~~entity~~ county grantee for the duty and spend the funds for the duty. 34340
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(6) Request that the attorney general bring mandamus proceedings to compel the responsible ~~entity~~ county grantee to take or cease the action that causes division (B)(1), (2), (3), or (4) of this section to apply. The attorney general shall bring mandamus proceedings in the Franklin county court of appeals at the department's request. 34343
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(7) If the department takes action under this division because of division (B)(3) of this section, temporarily withhold funds allocated or reimbursement due to the responsible ~~entity~~ county grantee until the department determines that the responsible ~~entity~~ county grantee is in compliance with the requirement. The department shall release the funds when the department determines that compliance has been achieved. 34349
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(D) If the department proposes to take action against the responsible ~~entity~~ county grantee under division (C) of this section, the department shall notify the responsible ~~entity~~ county grantee, director of the appropriate county family services agency, and county auditor. The notice shall be in writing and specify the action the department proposes to take. The department shall send the notice by regular United States mail. 34356
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Except as provided by division (E) of this section, the responsible ~~entity~~ county grantee may request an administrative review of a proposed action in accordance with administrative review procedures the department shall establish. The administrative review procedures shall comply with all of the following: 34363
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(1) A request for an administrative review shall state 34369
specifically all of the following: 34370

(a) The proposed action specified in the notice from the 34371
department for which the review is requested; 34372

(b) The reason why the responsible ~~entity~~ county grantee 34373
believes the proposed action is inappropriate; 34374

(c) All facts and legal arguments that the responsible ~~entity~~ 34375
county grantee wants the department to consider; 34376

(d) The name of the person who will serve as the responsible 34377
~~entity's~~ county grantee's representative in the review. 34378

(2) If the department's notice specifies more than one 34379
proposed action and the responsible ~~entity~~ county grantee does not 34380
specify all of the proposed actions in its request pursuant to 34381
division (D)(1)(a) of this section, the proposed actions not 34382
specified in the request shall not be subject to administrative 34383
review and the parts of the notice regarding those proposed 34384
actions shall be final and binding on the responsible ~~entity~~ 34385
county grantee. 34386

(3) In the case of a proposed action under division (C)(1) of 34387
this section, the responsible ~~entity~~ county grantee shall have 34388
fifteen calendar days after the department mails the notice to the 34389
responsible ~~entity~~ county grantee to send a written request to the 34390
department for an administrative review. If it receives such a 34391
request within the required time, the department shall postpone 34392
taking action under division (C)(1) of this section for fifteen 34393
calendar days following the day it receives the request or 34394
extended period of time provided for in division (D)(5) of this 34395
section to allow a representative of the department and a 34396
representative of the responsible ~~entity~~ county grantee an 34397
informal opportunity to resolve any dispute during that 34398
fifteen-day or extended period. 34399

(4) In the case of a proposed action under division (C)(2), 34400
(3), (4), (5), or (7) of this section, the responsible ~~entity~~ 34401
county grantee shall have thirty calendar days after the 34402
department mails the notice to the responsible ~~entity~~ county 34403
grantee to send a written request to the department for an 34404
administrative review. If it receives such a request within the 34405
required time, the department shall postpone taking action under 34406
division (C)(2), (3), (4), (5), or (7) of this section for thirty 34407
calendar days following the day it receives the request or 34408
extended period of time provided for in division (D)(5) of this 34409
section to allow a representative of the department and a 34410
representative of the responsible ~~entity~~ county grantee an 34411
informal opportunity to resolve any dispute during that thirty-day 34412
or extended period. 34413

(5) If the informal opportunity provided in division (D)(3) 34414
or (4) of this section does not result in a written resolution to 34415
the dispute within the fifteen- or thirty-day period, the director 34416
of job and family services and representative of the responsible 34417
~~entity~~ county grantee may enter into a written agreement extending 34418
the time period for attempting an informal resolution of the 34419
dispute under division (D)(3) or (4) of this section. 34420

(6) In the case of a proposed action under division (C)(3) of 34421
this section, the responsible ~~entity~~ county grantee may not 34422
include in its request disputes over a finding, final disallowance 34423
of federal financial participation, or other sanction or penalty 34424
issued by the federal government, auditor of state, or entity 34425
other than the department. 34426

(7) If the responsible ~~entity~~ county grantee fails to request 34427
an administrative review within the required time, the responsible 34428
~~entity~~ county grantee loses the right to request an administrative 34429
review of the proposed actions specified in the notice and the 34430
notice becomes final and binding on the responsible ~~entity~~ county 34431

grantee. 34432

(8) If the informal opportunity provided in division (D)(3) 34433
or (4) of this section does not result in a written resolution to 34434
the dispute within the time provided by division (D)(3), (4), or 34435
(5) of this section, the director shall appoint an administrative 34436
review panel to conduct the administrative review. The review 34437
panel shall consist of department employees and one director or 34438
other representative of the type of county family services agency 34439
that is responsible for the kind of family services duty that is 34440
the subject of the dispute and serves a different county than the 34441
county served by the responsible entity county grantee. No 34442
individual involved in the department's proposal to take action 34443
against the responsible entity county grantee may serve on the 34444
review panel. The review panel shall review the responsible 34445
entity's county grantee's request. The review panel may require 34446
that the department or responsible entity county grantee submit 34447
additional information and schedule and conduct an informal 34448
hearing to obtain testimony or additional evidence. A review of a 34449
proposal to take action under division (C)(3) of this section 34450
shall be limited solely to the issue of the amount the responsible 34451
entity county grantee shall share with the department, reimburse 34452
the department, or pay to the federal government, department, or 34453
other entity under division (C)(3) of this section. The review 34454
panel is not required to make a stenographic record of its hearing 34455
or other proceedings. 34456

(9) After finishing an administrative review, an 34457
administrative review panel appointed under division (D)(8) of 34458
this section shall submit a written report to the director setting 34459
forth its findings of fact, conclusions of law, and 34460
recommendations for action. The director may approve, modify, or 34461
disapprove the recommendations. If the director modifies or 34462
disapproves the recommendations, the director shall state the 34463

reasons for the modification or disapproval and the actions to be 34464
taken against the responsible entity county grantee. 34465

(10) The director's approval, modification, or disapproval 34466
under division (D)(9) of this section shall be final and binding 34467
on the responsible entity county grantee and shall not be subject 34468
to further departmental review. 34469

(E) The responsible entity county grantee is not entitled to 34470
an administrative review under division (D) of this section for 34471
any of the following: 34472

(1) An action taken under division (C)(6) of this section; 34473

(2) An action taken under section 5101.242 of the Revised 34474
Code; 34475

(3) An action taken under division (C)(3) of this section if 34476
the federal government, auditor of state, or entity other than the 34477
department has identified the responsible county ~~family services~~ 34478
~~agency~~ grantee as being solely or partially responsible for an 34479
adverse audit finding, adverse quality control finding, final 34480
disallowance of federal financial participation, or other sanction 34481
or penalty; 34482

(4) An adjustment to an allocation, cash draw, advance, or 34483
reimbursement to a responsible county ~~family services agency~~ 34484
grantee that the department determines necessary for budgetary 34485
reasons; 34486

(5) Withholding of a cash draw or reimbursement due to 34487
noncompliance with a reporting requirement established in rules 34488
adopted under section 5101.243 of the Revised Code. 34489

(F) This section does not apply to other actions the 34490
department takes against the responsible entity county grantee 34491
pursuant to authority granted by another state law unless the 34492
other state law requires the department to take the action in 34493

accordance with this section. 34494

(G) The director of job and family services may adopt rules 34495
in accordance with Chapter 119. of the Revised Code as necessary 34496
to implement this section. 34497

Sec. 5101.242. The department of job and family services may 34498
certify a claim to the attorney general under section 131.02 of 34499
the Revised Code for the attorney general to take action under 34500
that section against a responsible county grantee or responsible 34501
entity to recover any funds that the department determines the 34502
responsible county grantee or responsible entity owes the 34503
department for actions taken under division (C)(2), (3), (4), or 34504
(5) of section 5101.24 or 5101.241 of the Revised Code. 34505

Sec. 5101.244. If a ~~county family services agency submits an~~ 34506
~~expenditure report to~~ the department of job and family services 34507
~~and the department subsequently~~ determines that a grant awarded to 34508
a county grantee in a grant agreement entered into under section 34509
5101.21 of the Revised Code, an allocation, advance, or 34510
reimbursement the department makes to ~~the~~ a county family services 34511
agency, or a cash draw ~~the~~ a county family services agency makes, 34512
~~for an expenditure~~ exceeds the allowable amount for the 34513
~~expenditure~~ grant, allocation, advance, reimbursement, or cash 34514
draw, the department may adjust, offset, withhold, or reduce an 34515
allocation, cash draw, advance, reimbursement, or other financial 34516
assistance to the county grantee or county family services agency 34517
as necessary to recover the amount of the excess grant, 34518
allocation, advance, reimbursement, or cash draw. The department 34519
is not required to make the adjustment, offset, withholding, or 34520
reduction in accordance with section 5101.24 of the Revised Code. 34521

The director of job and family services may adopt rules under 34522
section 111.15 of the Revised Code as necessary to implement this 34523

section. The director shall adopt the rules as if they were 34524
internal management rules. 34525

Sec. 5101.26. As used in this section and in sections 5101.27 34526
to 5101.30 of the Revised Code: 34527

(A) "County agency" means a county department of job and 34528
family services or a public children services agency. 34529

(B) "Fugitive felon" means an individual who is fleeing to 34530
avoid prosecution, or custody or confinement after conviction, 34531
under the laws of the place from which the individual is fleeing, 34532
for a crime or an attempt to commit a crime that is a felony under 34533
the laws of the place from which the individual is fleeing or, in 34534
the case of New Jersey, a high misdemeanor, regardless of whether 34535
the individual has departed from the individual's usual place of 34536
residence. 34537

(C) "Information" means records as defined in section 149.011 34538
of the Revised Code, any other documents in any format, and data 34539
derived from records and documents that are generated, acquired, 34540
or maintained by the department of job and family services, a 34541
county agency, or an entity performing duties on behalf of the 34542
department or a county agency. 34543

(D) "Law enforcement agency" means the state highway patrol, 34544
an agency that employs peace officers as defined in section 109.71 34545
of the Revised Code, the adult parole authority, a county 34546
department of probation, a prosecuting attorney, the attorney 34547
general, similar agencies of other states, federal law enforcement 34548
agencies, and postal inspectors. "Law enforcement agency" includes 34549
the peace officers and other law enforcement officers employed by 34550
the agency. 34551

(E) "Medical assistance provided under a public assistance 34552
program" means medical assistance provided under the programs 34553

established under sections 5101.49, 5101.50 to 5101.503, and 34554
5101.51 to 5101.5110, Chapters 5111., 5114., and 5115., or any 34555
other provision of the Revised Code. 34556

(F) "Public assistance" means financial assistance, medical 34557
assistance, or social services provided under a program 34558
administered by the department of job and family services or a 34559
county agency pursuant to Chapter 329., 5101., 5104., 5107., 34560
5108., 5111., 5114., or 5115. of the Revised Code or an executive 34561
order issued under section 107.17 of the Revised Code. 34562

(G) "Public assistance recipient" means an applicant for or 34563
recipient or former recipient of public assistance. 34564

Sec. 5101.28. (A)(1) On request of the department of job and 34565
family services or a county agency, a law enforcement agency shall 34566
provide information regarding public assistance recipients to 34567
enable the department or county agency to determine, for 34568
eligibility purposes, whether a recipient or a member of a 34569
recipient's assistance group is a fugitive felon or violating a 34570
condition of probation, a community control sanction, parole, or a 34571
post-release control sanction imposed under state or federal law. 34572

(2) A county agency may enter into a written agreement with a 34573
local law enforcement agency establishing procedures concerning 34574
access to information and providing for compliance with division 34575
(F) of this section. 34576

(B) To the extent permitted by federal law, the department 34577
and county agencies shall provide information, except information 34578
directly related to the receipt of medical assistance or medical 34579
services, regarding recipients of public assistance under a 34580
program administered by the state department or a county agency 34581
pursuant to Chapter 5107., 5108., 5114., or 5115. of the Revised 34582
Code to law enforcement agencies on request for the purposes of 34583
investigations, prosecutions, and criminal and civil proceedings 34584

that are within the scope of the law enforcement agencies' 34585
official duties. 34586

(C) Information about a recipient shall be exchanged, 34587
obtained, or shared only if the department, county agency, or law 34588
enforcement agency requesting the information gives sufficient 34589
information to specifically identify the recipient. In addition to 34590
the recipient's name, identifying information may include the 34591
recipient's current or last known address, social security number, 34592
other identifying number, age, gender, physical characteristics, 34593
any information specified in an agreement entered into under 34594
division (A) of this section, or any information considered 34595
appropriate by the department or agency. 34596

(D)(1) The department and its officers and employees are not 34597
liable in damages in a civil action for any injury, death, or loss 34598
to person or property that allegedly arises from the release of 34599
information in accordance with divisions (A), (B), and (C) of this 34600
section. This section does not affect any immunity or defense that 34601
the department and its officers and employees may be entitled to 34602
under another section of the Revised Code or the common law of 34603
this state, including section 9.86 of the Revised Code. 34604

(2) The county agencies and their employees are not liable in 34605
damages in a civil action for any injury, death, or loss to person 34606
or property that allegedly arises from the release of information 34607
in accordance with divisions (A), (B), and (C) of this section. 34608
"Employee" has the same meaning as in division (B) of section 34609
2744.01 of the Revised Code. This section does not affect any 34610
immunity or defense that the county agencies and their employees 34611
may be entitled to under another section of the Revised Code or 34612
the common law of this state, including section 2744.02 and 34613
division (A)(6) of section 2744.03 of the Revised Code. 34614

(E) To the extent permitted by federal law, the department 34615
and county agencies shall provide access to information to the 34616

auditor of state acting pursuant to Chapter 117. or sections 34617
5101.181 and 5101.182 of the Revised Code and to any other 34618
government entity authorized by federal law to conduct an audit of 34619
or similar activity involving a public assistance program. 34620

(F) The auditor of state shall prepare an annual report on 34621
the outcome of the agreements required under division (A) of this 34622
section. The report shall include the number of fugitive felons, 34623
probation and parole violators, and violators of community control 34624
sanctions and post-release control sanctions apprehended during 34625
the immediately preceding year as a result of the exchange of 34626
information pursuant to that division. The auditor of state shall 34627
file the report with the governor, the president and minority 34628
leader of the senate, and the speaker and minority leader of the 34629
house of representatives. The state department, county agencies, 34630
and law enforcement agencies shall cooperate with the auditor of 34631
state's office in gathering the information required under this 34632
division. 34633

(G) To the extent permitted by federal law, the department of 34634
job and family services, county departments of job and family 34635
services, and employees of the departments may report to a public 34636
children services agency or other appropriate agency information 34637
on known or suspected physical or mental injury, sexual abuse or 34638
exploitation, or negligent treatment or maltreatment, of a child 34639
receiving public assistance, if circumstances indicate that the 34640
child's health or welfare is threatened. 34641

(H) As used in this section: 34642

(1) "Community control sanction" has the same meaning as in 34643
section 2929.01 of the Revised Code. 34644

(2) "Post-release control sanction" has the same meaning as 34645
in section 2967.01 of the Revised Code. 34646

Sec. 5101.31. Any record, data, pricing information, or other 34647
information regarding a drug rebate agreement or a supplemental 34648
drug rebate agreement for the medicaid program established under 34649
Chapter 5111. of the Revised Code, the nonfederal medical 34650
assistance program established under Chapter 5114. of the Revised 34651
Code, or the disability medical assistance program established 34652
under section 5115.10 of the Revised Code that the department of 34653
job and family services receives from a pharmaceutical 34654
manufacturer or creates pursuant to negotiation of the agreement 34655
is not a public record under section 149.43 of the Revised Code 34656
and shall be treated by the department as confidential 34657
information. 34658

Sec. 5101.35. (A) As used in this section: 34659

(1) "Agency" means the following entities that administer a 34660
family services program: 34661

(a) The department of job and family services; 34662

(b) A county department of job and family services; 34663

(c) A public children services agency; 34664

(d) A private or government entity administering, in whole or 34665
in part, a family services program for or on behalf of the 34666
department of job and family services or a county department of 34667
job and family services or public children services agency. 34668

(2) "Appellant" means an applicant, participant, former 34669
participant, recipient, or former recipient of a family services 34670
program who is entitled by federal or state law to a hearing 34671
regarding a decision or order of the agency that administers the 34672
program. 34673

(3) "Family services program" means assistance provided under 34674
a Title IV-A program as defined in section 5101.80 of the Revised 34675

Code or under Chapter 5104., 5111., 5114., or 5115. or section 34676
173.35, 5101.141, 5101.46, 5101.461, 5101.54, 5153.163, or 34677
5153.165 of the Revised Code, other than assistance provided under 34678
section 5101.46 of the Revised Code by the department of mental 34679
health, the department of mental retardation and developmental 34680
disabilities, a board of alcohol, drug addiction, and mental 34681
health services, or a county board of mental retardation and 34682
developmental disabilities. 34683

(B) Except as provided by divisions (G) and (H) of this 34684
section, an appellant who appeals under federal or state law a 34685
decision or order of an agency administering a family services 34686
program shall, at the appellant's request, be granted a state 34687
hearing by the department of job and family services. This state 34688
hearing shall be conducted in accordance with rules adopted under 34689
this section. The state hearing shall be recorded, but neither the 34690
recording nor a transcript of the recording shall be part of the 34691
official record of the proceeding. A state hearing decision is 34692
binding upon the agency and department, unless it is reversed or 34693
modified on appeal to the director of job and family services or a 34694
court of common pleas. 34695

(C) Except as provided by division (G) of this section, an 34696
appellant who disagrees with a state hearing decision may make an 34697
administrative appeal to the director of job and family services 34698
in accordance with rules adopted under this section. This 34699
administrative appeal does not require a hearing, but the director 34700
or the director's designee shall review the state hearing decision 34701
and previous administrative action and may affirm, modify, remand, 34702
or reverse the state hearing decision. Any person designated to 34703
make an administrative appeal decision on behalf of the director 34704
shall have been admitted to the practice of law in this state. An 34705
administrative appeal decision is the final decision of the 34706
department and is binding upon the department and agency, unless 34707

it is reversed or modified on appeal to the court of common pleas. 34708

(D) An agency shall comply with a decision issued pursuant to 34709
division (B) or (C) of this section within the time limits 34710
established by rules adopted under this section. If a county 34711
department of job and family services or a public children 34712
services agency fails to comply within these time limits, the 34713
department may take action pursuant to section 5101.24 of the 34714
Revised Code. If another agency fails to comply within the time 34715
limits, the department may force compliance by withholding funds 34716
due the agency or imposing another sanction established by rules 34717
adopted under this section. 34718

(E) An appellant who disagrees with an administrative appeal 34719
decision of the director of job and family services or the 34720
director's designee issued under division (C) of this section may 34721
appeal from the decision to the court of common pleas pursuant to 34722
section 119.12 of the Revised Code. The appeal shall be governed 34723
by section 119.12 of the Revised Code except that: 34724

(1) The person may appeal to the court of common pleas of the 34725
county in which the person resides, or to the court of common 34726
pleas of Franklin county if the person does not reside in this 34727
state. 34728

(2) The person may apply to the court for designation as an 34729
indigent and, if the court grants this application, the appellant 34730
shall not be required to furnish the costs of the appeal. 34731

(3) The appellant shall mail the notice of appeal to the 34732
department of job and family services and file notice of appeal 34733
with the court within thirty days after the department mails the 34734
administrative appeal decision to the appellant. For good cause 34735
shown, the court may extend the time for mailing and filing notice 34736
of appeal, but such time shall not exceed six months from the date 34737
the department mails the administrative appeal decision. Filing 34738

notice of appeal with the court shall be the only act necessary to 34739
vest jurisdiction in the court. 34740

(4) The department shall be required to file a transcript of 34741
the testimony of the state hearing with the court only if the 34742
court orders the department to file the transcript. The court 34743
shall make such an order only if it finds that the department and 34744
the appellant are unable to stipulate to the facts of the case and 34745
that the transcript is essential to a determination of the appeal. 34746
The department shall file the transcript not later than thirty 34747
days after the day such an order is issued. 34748

(F) The department of job and family services shall adopt 34749
rules in accordance with Chapter 119. of the Revised Code to 34750
implement this section, including rules governing the following: 34751

(1) State hearings under division (B) of this section. The 34752
rules shall include provisions regarding notice of eligibility 34753
termination and the opportunity of an appellant appealing a 34754
decision or order of a county department of job and family 34755
services to request a county conference with the county department 34756
before the state hearing is held. 34757

(2) Administrative appeals under division (C) of this 34758
section; 34759

(3) Time limits for complying with a decision issued under 34760
division (B) or (C) of this section; 34761

(4) Sanctions that may be applied against an agency under 34762
division (D) of this section. 34763

(G) The department of job and family services may adopt rules 34764
in accordance with Chapter 119. of the Revised Code establishing 34765
an appeals process for an appellant who appeals a decision or 34766
order regarding a Title IV-A program identified under division 34767
(A)(4)(c), (d), (e), or (f) of section 5101.80 of the Revised Code 34768
that is different from the appeals process established by this 34769

section. The different appeals process may include having a state 34770
agency that administers the Title IV-A program pursuant to an 34771
interagency agreement entered into under section 5101.801 of the 34772
Revised Code administer the appeals process. 34773

(H) If an appellant receiving medicaid through a health 34774
insuring corporation that holds a certificate of authority under 34775
Chapter 1751. of the Revised Code is appealing a denial of 34776
medicaid services based on lack of medical necessity or other 34777
clinical issues regarding coverage by the health insuring 34778
corporation, the person hearing the appeal may order an 34779
independent medical review if that person determines that a review 34780
is necessary. The review shall be performed by a health care 34781
professional with appropriate clinical expertise in treating the 34782
recipient's condition or disease. The department shall pay the 34783
costs associated with the review. 34784

A review ordered under this division shall be part of the 34785
record of the hearing and shall be given appropriate evidentiary 34786
consideration by the person hearing the appeal. 34787

(I) The requirements of Chapter 119. of the Revised Code 34788
apply to a state hearing or administrative appeal under this 34789
section only to the extent, if any, specifically provided by rules 34790
adopted under this section. 34791

Sec. 5101.36. Any application for public assistance gives a 34792
right of subrogation to the department of job and family services 34793
for any workers' compensation benefits payable to a person who is 34794
subject to a support order, as defined in section 3119.01 of the 34795
Revised Code, on behalf of the applicant, to the extent of any 34796
public assistance payments made on the applicant's behalf. If the 34797
director of job and family services, in consultation with a child 34798
support enforcement agency and the administrator of the bureau of 34799
workers' compensation, determines that a person responsible for 34800

support payments to a recipient of public assistance is receiving 34801
workers' compensation, the director shall notify the administrator 34802
of the amount of the benefit to be paid to the department of job 34803
and family services. 34804

For purposes of this section, "public assistance" means 34805
medical assistance provided through the medical assistance program 34806
established under section 5111.01 of the Revised Code; nonfederal 34807
medical assistance program established under Chapter 5114. of the 34808
Revised Code; Ohio works first provided under Chapter 5107. of the 34809
Revised Code; prevention, retention, and contingency benefits and 34810
services provided under Chapter 5108. of the Revised Code; 34811
disability financial assistance provided under Chapter 5115. of 34812
the Revised Code; or disability medical assistance provided under 34813
Chapter 5115. of the Revised Code. 34814

Sec. 5101.51. In accordance with federal law governing the 34815
children's health insurance program, the director of job and 34816
family services may submit a state child health plan to the United 34817
States secretary of health and human services to provide, except 34818
as provided in section 5101.516 of the Revised Code, health 34819
assistance to uninsured individuals under nineteen years of age 34820
with family incomes above one hundred fifty per cent of the 34821
federal poverty guidelines but not exceeding ~~two~~ three hundred per 34822
cent of the federal poverty guidelines. If the director submits 34823
the plan, the director shall include ~~both~~ all of the following in 34824
the plan and any subsequent amendments to the plan: 34825

(A) The For individuals with family incomes above one hundred 34826
fifty per cent but not exceeding two hundred per cent of the 34827
federal poverty guidelines, the health assistance will not begin 34828
before January 1, 2000. 34829

(B) For individuals with family incomes above two hundred per 34830

cent but not exceeding three hundred per cent of the federal 34831
poverty guidelines, the health assistance will not begin before 34832
January 1, 2008. 34833

(C) The health assistance will be available only while 34834
federal financial participation is available for it. 34835

Sec. 5101.54. (A) The director of job and family services 34836
shall administer the food stamp program in accordance with the 34837
"Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 34838
amended. The department may: 34839

(1) Prepare and submit to the secretary of the United States 34840
department of agriculture a plan for the administration of the 34841
food stamp program; 34842

(2) Prescribe forms for applications, certificates, reports, 34843
records, and accounts of county departments of job and family 34844
services, and other matters; 34845

(3) Require such reports and information from each county 34846
department of job and family services as may be necessary and 34847
advisable; 34848

(4) Administer and expend any sums appropriated by the 34849
general assembly for the purposes of this section and all sums 34850
paid to the state by the United States as authorized by the Food 34851
Stamp Act of 1977; 34852

(5) Conduct such investigations as are necessary; 34853

(6) Enter into interagency agreements and cooperate with 34854
investigations conducted by the department of public safety, 34855
including providing information for investigative purposes, 34856
exchanging property and records, passing through federal financial 34857
participation, modifying any agreements with the United States 34858
department of agriculture, providing for the supply, security, and 34859
accounting of food stamp benefits for investigative purposes, and 34860

meeting any other requirements necessary for the detection and 34861
deterrence of illegal activities in the state food stamp program; 34862

(7) Adopt rules in accordance with Chapter 119. of the 34863
Revised Code governing employment and training requirements of 34864
recipients of food stamp benefits, including rules specifying 34865
which recipients are subject to the requirements and establishing 34866
sanctions for failure to satisfy the requirements. The rules shall 34867
be consistent with 7 U.S.C.A. 2015 and, to the extent practicable, 34868
may provide for food stamp benefit recipients to participate in 34869
work participation activities, ~~developmental activities, and~~ 34870
~~alternative work activities~~ established under ~~sections 5107.40 to~~ 34871
~~5107.69~~ in rules authorized by section 5107.40 of the Revised Code 34872
that are comparable to programs authorized by 7 U.S.C.A. 34873
2015(d)(4). ~~The rules may reference rules adopted under section~~ 34874
~~5107.05 of the Revised Code governing work activities,~~ 34875
~~developmental activities, and alternative work activities~~ 34876
~~established under sections 5107.40 to 5107.69 of the Revised Code.~~ 34877

(8) Adopt rules in accordance with section 111.15 of the 34878
Revised Code that are consistent with the Food Stamp Act of 1977, 34879
as amended, and regulations adopted thereunder governing the 34880
following: 34881

(a) Eligibility requirements for the food stamp program; 34882

(b) Sanctions for failure to comply with eligibility 34883
requirements; 34884

(c) Allotment of food stamp benefits; 34885

(d) To the extent permitted under federal statutes and 34886
regulations, a system under which some or all recipients of food 34887
stamp benefits subject to employment and training requirements 34888
established by rules adopted under division (A)(7) of this section 34889
receive food stamp benefits after satisfying the requirements; 34890

(e) Administration of the program by county departments of 34891

job and family services; 34892

(f) Other requirements necessary for the efficient 34893
administration of the program. 34894

(9) Submit a plan to the United States secretary of 34895
agriculture for the department of job and family services to 34896
operate a simplified food stamp program pursuant to 7 U.S.C.A. 34897
2035 under which requirements governing the Ohio works first 34898
program established under Chapter 5107. of the Revised Code also 34899
govern the food stamp program in the case of households receiving 34900
food stamp benefits and participating in Ohio works first. 34901

(B) Except while in the custody of the United States postal 34902
service, food stamps and any document necessary to obtain food 34903
stamps are the property of the department of job and family 34904
services from the time they are received in accordance with 34905
federal regulations by the department from the federal agency 34906
responsible for such delivery until they are received by a 34907
household entitled to receive them or by the authorized 34908
representative of the household. 34909

(C) A household that is entitled to receive food stamps under 34910
the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 34911
amended, and that is determined to be in immediate need of food 34912
assistance, shall receive certification of eligibility for program 34913
benefits, pending verification, within twenty-four hours, or, if 34914
mitigating circumstances occur, within seventy-two hours, after 34915
application, if: 34916

(1) The results of the application interview indicate that 34917
the household will be eligible upon full verification; 34918

(2) Information sufficient to confirm the statements in the 34919
application has been obtained from at least one additional source, 34920
not a member of the applicant's household. Such information shall 34921
be recorded in the case file, and shall include: 34922

(a) The name of the person who provided the name of the information source; 34923
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(b) The name and address of the information source; 34925

(c) A summary of the information obtained. 34926

The period of temporary eligibility shall not exceed one month from the date of certification of temporary eligibility. If eligibility is established by full verification, benefits shall continue without interruption as long as eligibility continues. 34927
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At the time of application, the county department of job and family services shall provide to a household described in this division a list of community assistance programs that provide emergency food. 34931
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(D) All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services. 34935
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(E) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive food stamps without charge under the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended. 34938
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(F) Any person who applies for food stamps under this section shall receive a voter registration application under section 3503.10 of the Revised Code. 34942
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Sec. 5101.541. The food stamp program fund is hereby created in the state treasury. The fund shall consist of federal reimbursement for food stamp program administrative expenses and other food stamp program expenses. The department of job and family services shall use the money credited to the fund to pay for food stamp program administrative expenses and other food stamp program expenses. 34945
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Sec. 5101.571. As used in sections 5101.571 to 5101.59	34952
<u>5101.591</u> of the Revised Code:	34953
(A) <u>"Information" means all of the following:</u>	34954
(1) <u>An individual's name, address, date of birth, and social security number;</u>	34955
(2) <u>The group or plan number, or other identifier, assigned by a third party to a policy held by an individual or a plan in which the individual participates and the nature of the coverage;</u>	34956
(3) <u>Any other data the director of job and family services specifies in rules adopted under section 5101.591 of the Revised Code.</u>	34957
(B) <u>"Medical assistance" means medical items or services provided under any of the following:</u>	34958
(1) <u>Medicaid, as defined in section 5111.01 of the Revised Code;</u>	34959
(2) <u>The children's health insurance program part I and part II established under sections 5101.50 to 5101.519 of the Revised Code;</u>	34960
(3) <u>The nonfederal medical assistance program established under Chapter 5114. of the Revised Code.</u>	34961
(4) <u>The disability medical assistance program established under Chapter 5115. of the Revised Code.</u>	34962
(C) <u>"Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency.</u>	34963
(B) "Third party" (D) <u>"Public assistance" means medical assistance or assistance under the Ohio works first program established under Chapter 5107. of the Revised Code.</u>	34964
(E)(1) <u>Subject to division (E)(2) of this section, and except</u>	34965
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as provided in division (E)(3) of this section, "third party" 34981
means any health insurer as defined in section 3924.41 of the 34982
Revised Code, individual, entity, or public or private program, 34983
that is or may be liable to pay all or part of the medical cost of 34984
injury, disease, or disability of an applicant or recipient. 34985
"Third party" includes any such insurer, individual, entity, or 34986
program that would have been obligated to pay for the service, 34987
even when such third party limits or excludes payments in the case 34988
of an individual who is eligible for medicaid. all of the 34989
following: 34990

(a) A person authorized to engage in the business of sickness 34991
and accident insurance under Title XXXIX of the Revised Code; 34992

(b) A person or governmental entity providing coverage for 34993
medical services or items to individuals on a self-insurance 34994
basis; 34995

(c) A health insuring corporation as defined in section 34996
1751.01 of the Revised Code; 34997

(d) A group health plan as defined in 29 U.S.C. 1167; 34998

(e) A service benefit plan as referenced in 42 U.S.C. 34999
1396a(a)(25); 35000

(f) A managed care organization; 35001

(g) A pharmacy benefit manager; 35002

(h) A third party administrator; 35003

(i) Any other person or governmental entity that is, by law, 35004
contract, or agreement, responsible for the payment or processing 35005
of a claim for a medical item or service for a public assistance 35006
recipient or participant. 35007

(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a 35008
person or governmental entity listed in division (E)(1) of this 35009
section is a third party even if the person or governmental entity 35010

limits or excludes payments for a medical item or service in the 35011
case of a public assistance recipient. 35012

(3) "Third party" does not include the program for medically 35013
handicapped children established under section 3701.023 of the 35014
Revised Code. 35015

~~Sec. 5101.572. Upon the request of the department of job and~~ 35016
~~family services, any (A) A third party as defined in section~~ 35017
~~5101.571 of the Revised Code shall cooperate with the department~~ 35018
~~of job and family services in identifying individuals for the~~ 35019
~~purpose of establishing third party liability pursuant to Title~~ 35020
~~XIX of the Social Security Act, as amended. The~~ 35021

(B) In furtherance of the requirement in division (A) of this 35022
section and to allow the department to determine any period that 35023
the individual or the individual's spouse or dependent may have 35024
been covered by the third party and the nature of the coverage, a 35025
third party shall provide, as the department so chooses, 35026
information or access to information, or both, in the third 35027
party's electronic data system on the department's request and in 35028
accordance with division (C) of this section. 35029

(C)(1) If the department chooses to receive information 35030
directly, the third party shall provide the information under all 35031
of the following circumstances: 35032

(a) In a medium, format, and manner prescribed by the 35033
director of job and family services in rules adopted under section 35034
5101.591 of the Revised Code; 35035

(b) Free of charge; 35036

(c) Not later than the end of the thirtieth day after the 35037
department makes its request, unless a different time is agreed to 35038
by the director in writing. 35039

(2) If the department chooses to receive access to 35040

information, the third party shall provide access by a method 35041
prescribed by the director of job and family services in rules 35042
adopted under section 5101.591 of the Revised Code. In 35043
facilitating access, the department may enter into a trading 35044
partner agreement with the third party to permit the exchange of 35045
information via "ASC X 12N 270/271 Health Care Eligibility Benefit 35046
Inquiry and Response" transactions. 35047

(D) All of the following apply with respect to information 35048
provided by a third party to the department under this section: 35049

(1) The information is confidential and not a public record 35050
under section 149.43 of the Revised Code. 35051

(2) The release of information to the department is not to be 35052
considered a violation of any right of confidentiality or contract 35053
that the third party may have with covered persons including, but 35054
not limited to, contractees, beneficiaries, heirs, assignees, and 35055
subscribers. 35056

(3) The third party is immune from any liability that it may 35057
otherwise incur through its release of information to the 35058
department. 35059

The department of job and family services shall limit its use 35060
of information gained from third parties to purposes directly 35061
connected with the administration of the medicaid program. ~~No~~ 35062

(E) No third party shall disclose to other parties or make 35063
use of any information regarding recipients of aid under Chapter 35064
5107. or 5111. of the Revised Code that it obtains from the 35065
department of job and family services, except in the manner 35066
provided for by the director of job and family services in 35067
administrative rules. ~~Any information provided by a third party to~~ 35068
~~the department of job and family services shall not be considered~~ 35069
~~a violation of any right of confidentiality or contract that the~~ 35070
~~third party may have with covered persons including, but not~~ 35071

~~limited to, contractees, beneficiaries, heirs, assignees, and 35072
subscribers. The third party is immune from any liability that it 35073
may otherwise incur through its release of information to the 35074
department of job and family services. 35075~~

Sec. 5101.573. (A) Subject to division (B) of this section, a 35076
third party shall do all of the following: 35077

(1) Accept the department of job and family services' right 35078
of recovery under section 5101.58 of the Revised Code and the 35079
assignment of rights to the department that are described in 35080
section 5101.59 of the Revised Code. 35081

(2) Respond to an inquiry by the department regarding a claim 35082
for payment of a medical item or service that was submitted to the 35083
third party not later than six years after the date of the 35084
provision of such medical item or service; 35085

(3) Pay a claim described in division (A)(2) of this section; 35086

(4) Not deny a claim submitted by the department solely on 35087
the basis of the date of submission of the claim, type or format 35088
of the claim form, or a failure by the medical assistance 35089
recipient who is the subject of the claim to present proper 35090
documentation of coverage at the time of service, if both of the 35091
following are true: 35092

(a) The claim was submitted by the department not later than 35093
six years after the date of the provision of the medical item or 35094
service; 35095

(b) An action by the department to enforce its right of 35096
recovery under section 5101.58 of the Revised Code on the claim 35097
was commenced not later than six years after the department's 35098
submission of the claim. 35099

(B) For purposes of the requirements in division (A) of this 35100
section, a third party shall treat a managed care organization as 35101

the department for a claim in which both of the following are true: 35102
35103

(1) The individual who is the subject of the claim received a medical item or service through a managed care organization that has entered into a contract with the department of job and family services under section 5111.16 of the Revised Code; 35104
35105
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(2) The department has assigned its right of recovery for the claim to the managed care organization. 35108
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Sec. 5101.574. No third party shall consider whether an individual is eligible for or receives medical assistance when either of the following applies: 35110
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(A) The individual seeks to obtain a policy or enroll in a plan or program operated or administered by the third party; 35113
35114

(B) The individual, or a person or governmental entity on the individual's behalf, seeks payment for a medical item or service provided to the individual. 35115
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Sec. 5101.575. If a third party violates section 5101.572, 5101.573, or 5101.574 of the Revised Code, a governmental entity that is responsible for issuing a license, certificate of authority, registration, or approval that authorizes the third party to do business in this state shall, in accordance with Chapter 119. of the Revised Code, deny, revoke, or terminate, as determined to be appropriate by the governmental entity, the license, certificate, registration, or approval of the third party. In addition, the attorney general may petition a court of common pleas to enjoin the violation. 35118
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~~**Sec. 5101.58.** As used in this section and section 5101.59 of the Revised Code, "public assistance" means aid provided under Chapter 5111. or 5115. of the Revised Code and participation in~~ 35128
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~~the Ohio works first program established under Chapter 5107. of~~ 35131
~~the Revised Code.~~ 35132

(A) The acceptance of public assistance gives a an automatic 35133
right of recovery to the department of job and family services and 35134
a county department of job and family services against the 35135
liability of a third party for the cost of medical ~~services and~~ 35136
~~care arising out of injury, disease, or disability~~ assistance paid 35137
on behalf of the public assistance recipient or participant. When 35138
an action or claim is brought against a third party by a public 35139
assistance recipient or participant, ~~the entire amount of any~~ 35140
payment, settlement or compromise of the action or claim, or any 35141
court award or judgment, is subject to the recovery right of the 35142
department of job and family services or county department of job 35143
and family services. Except in the case of a recipient or 35144
participant who receives medical ~~services or care~~ assistance 35145
through a managed care organization, the department's or county 35146
department's claim shall not exceed the amount of medical ~~expenses~~ 35147
assistance paid by ~~the departments~~ a department on behalf of the 35148
recipient or participant. ~~In~~ A payment, settlement, compromise, 35149
judgment, or award that excludes the cost of medical assistance 35150
paid for by a department shall not preclude a department from 35151
enforcing its rights under this section. 35152

(B) In the case of a recipient or participant who receives 35153
medical ~~services or care~~ assistance through a managed care 35154
organization, the amount of the department's or county 35155
department's claim shall be the amount the managed care 35156
organization pays for medical ~~services or care~~ assistance rendered 35157
to the recipient or participant, even if that amount is more than 35158
the amount ~~the departments pay~~ a department pays to the managed 35159
care organization for the recipient's or participant's medical 35160
~~services or care. Any settlement, compromise, judgment, or award~~ 35161
~~that excludes the cost of medical services or care shall not~~ 35162

~~preclude the departments from enforcing their rights under this section assistance.~~ 35163
35164

~~Prior to initiating any (C) A recipient or participant, and the recipient's or participant's attorney, if any, shall cooperate with the departments. In furtherance of this requirement, the recipient or participant, or the recipient's or participant's attorney, if any, shall, not later than thirty days after initiating informal recovery activity or filing a legal recovery action, the recipient or participant, or the recipient's or participant's representative, shall disclose against a third party, provide written notice of the activity or action to the appropriate department or departments as follows:~~ 35165
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~~(1) To only the department of job and family services when medical assistance under medicaid has been paid;~~ 35175
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~~(2) To the department of job and family services and the appropriate county department of job and family services when medical assistance under the disability medical assistance program or medical assistance under the nonfederal medical assistance program has been paid.~~ 35177
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~~(D) The written notice that must be given under division (C) of this section shall disclose the identity and address of any third party against whom the recipient or participant has or may have a right of recovery. Disclosure shall be made to the department of job and family services when medical expenses have been paid pursuant to Chapter 5111. or 5115. of the Revised Code. Disclosure shall be made to both the department of job and family services and the appropriate county department of job and family services when medical expenses have been paid pursuant to Chapter 5115. of the Revised Code. No~~ 35182
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~~(E) No settlement, compromise, judgment, or award or any recovery in any action or claim by a recipient or participant~~ 35192
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where the departments have a right of recovery shall be made final 35194
without first giving the appropriate departments written notice as 35195
described in division (C) of this section and a reasonable 35196
opportunity to perfect their rights of recovery. If the 35197
departments are not given the appropriate written notice, the 35198
recipient or participant ~~is~~ and, if there is one, the recipient's 35199
or participant's attorney, are liable to reimburse the departments 35200
for the recovery received to the extent of medical payments made 35201
by the departments. ~~The~~ 35202

(F) The departments shall be permitted to enforce their 35203
recovery rights against the third party even though they accepted 35204
prior payments in discharge of their rights under this section if, 35205
at the time the departments received such payments, they were not 35206
aware that additional medical expenses had been incurred but had 35207
not yet been paid by the departments. The third party becomes 35208
liable to the department of job and family services or county 35209
department of job and family services as soon as the third party 35210
is notified in writing of the valid claims for recovery under this 35211
section. 35212

~~The~~ (G)(1) Subject to division (G)(2) of this section, the 35213
right of recovery of a department does not apply to that portion 35214
of any judgment, award, settlement, or compromise of a claim, to 35215
the extent of attorneys' fees, costs, or other expenses incurred 35216
by a recipient or participant in securing the judgment, award, 35217
settlement, or compromise, or to the extent of medical, surgical, 35218
and hospital expenses paid by such recipient or participant from 35219
the recipient's or participant's own resources. ~~Attorney fees and~~ 35220
~~costs or other expenses in securing any recovery shall not be~~ 35221
~~assessed against any claims of the departments.~~ 35222

~~To~~ (2) Reasonable attorneys' fees, not to exceed one-third of 35223
the total judgment, award, settlement, or compromise, plus costs 35224
and other expenses incurred by the recipient or participant in 35225

securing the judgment, award, settlement, or compromise, shall 35226
first be deducted from the total judgment, award, settlement, or 35227
compromise. After fees, costs, and other expenses are deducted 35228
from the total judgment, award, settlement, or compromise, the 35229
department of job and family services or appropriate county 35230
department of job and family services shall receive no less than 35231
one-half of the remaining amount, or the actual amount of medical 35232
assistance paid, whichever is less. 35233

(H) A right of recovery created by this section may be 35234
enforced separately or jointly by the department of job and family 35235
services or the appropriate county department of job and family 35236
services. To enforce their recovery rights, the departments may do 35237
any of the following: 35238

~~(A)(1)~~ Intervene or join in any action or proceeding brought 35239
by the recipient or participant or on the recipient's or 35240
participant's behalf against any third party who may be liable for 35241
the cost of medical ~~services and care arising out of the~~ 35242
~~recipient's or participant's injury, disease, or disability~~ 35243
assistance paid; 35244

~~(B)(2)~~ Institute and pursue legal proceedings against any 35245
third party who may be liable for the cost of medical ~~services and~~ 35246
~~care arising out of the recipient's or participant's injury,~~ 35247
~~disease, or disability~~ assistance paid; 35248

~~(C)(3)~~ Initiate legal proceedings in conjunction with ~~the~~ any 35249
injured, diseased, or disabled recipient or participant or the 35250
recipient's or participant's ~~legal~~ attorney or representative. 35251

~~Recovery rights created by this section may be enforced~~ 35252
~~separately or jointly by the department of job and family services~~ 35253
~~and the county department of job and family services.~~ 35254

(I) A recipient or participant shall not assess attorney 35255
fees, costs, or other expenses against the department of job and 35256

family services or a county department of job and family services 35257
when the department or county department enforces its right of 35258
recovery created by this section. 35259

(J) The right of recovery given to the department under this 35260
section does not include rights to support from any other person 35261
assigned to the state under sections 5107.20 and 5115.07 of the 35262
Revised Code, but includes payments made by a third party under 35263
contract with a person having a duty to support. 35264

~~The director of job and family services may adopt rules in~~ 35265
~~accordance with Chapter 119. of the Revised Code the department~~ 35266
~~considers necessary to implement this section.~~ 35267

Sec. 5101.59. (A) The application for, or acceptance of, 35268
public assistance constitutes an automatic assignment of certain 35269
rights to the department of job and family services. This 35270
assignment includes the rights of the applicant, recipient, or 35271
participant and also the rights of any other member of the 35272
assistance group for whom the applicant, recipient, or participant 35273
can legally make an assignment. 35274

(B) Pursuant to this section, the applicant, recipient, or 35275
participant assigns to the department any rights to medical 35276
support available to the applicant, recipient, or participant or 35277
for other members of the assistance group under an order of a 35278
court or administrative agency, and any rights to payments ~~from~~ 35279
~~any by a liable~~ third party ~~liable to pay~~ for the cost of medical 35280
~~care and services arising out of injury, disease, or disability of~~ 35281
~~the applicant, recipient, participant, or other members of the~~ 35282
~~assistance group~~ assistance paid on behalf of a public assistance 35283
recipient or participant. The recipient or participant shall 35284
cooperate with the department in obtaining such payments. 35285

Medicare benefits shall not be assigned pursuant to this 35286
section. Benefits assigned to the department by operation of this 35287

section are directly reimbursable to the department by liable 35288
third parties. 35289

~~(B)~~(C) Refusal by the applicant, recipient, or participant to 35290
cooperate in obtaining medical ~~support and payments~~ assistance 35291
paid for self or any other member of the assistance group renders 35292
the applicant, recipient, or participant ineligible for public 35293
assistance, unless cooperation is waived by the department. 35294
Eligibility shall continue for any individual who cannot legally 35295
assign the individual's own rights and who would have been 35296
eligible for public assistance but for the refusal to assign the 35297
individual's rights or to cooperate as required by this section by 35298
another person legally able to assign the individual's rights. 35299

(D) If the applicant, recipient, or participant or any member 35300
of the assistance group becomes ineligible for public assistance, 35301
the department shall restore to the applicant, recipient, 35302
participant, or member of the assistance group any future rights 35303
to benefits assigned under this section. 35304

(E) The rights of assignment given to the department under 35305
this section do not include rights to support assigned under 35306
section 5107.20 or 5115.07 of the Revised Code. 35307

~~(C) The director of job and family services may adopt rules 35308
in accordance with Chapter 119. of the Revised Code to implement 35309
this section, including rules that specify what constitutes 35310
cooperating with efforts to obtain medical support and payments 35311
and when the cooperation requirement may be waived. 35312~~

Sec. 5101.591. (A) Except as provided in division (B) of this 35313
section, the director of job and family services may adopt rules 35314
in accordance with Chapter 119. of the Revised Code to implement 35315
sections 5101.571 to 5101.59 of the Revised Code, including rules 35316
that specify what constitutes cooperating with efforts to obtain 35317
support or payments, or medical assistance payments, and when 35318

cooperation may be waived. 35319

(B) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following: 35320
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(1) For purposes of the definition of "information" in division (A) of section 5101.571 of the Revised Code, any data other than the data specified in that division that should be included in the definition. 35322
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(2) For purposes of division (C)(1)(a) of section 5101.572 of the Revised Code, the medium, format, and manner in which a third party must provide information to the department. 35326
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(3) For purposes of division (C)(2) of section 5101.572 of the Revised Code, the method by which a third party must provide the department with access to information. 35329
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35331

Sec. 5101.802. (A) As used in this section: 35332

(1) "Custodian," "guardian," and "minor child" have the same meanings as in section 5107.02 of the Revised Code. 35333
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(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 35335
35336

(3) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code. 35337
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(B) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the kinship permanency incentive program to promote permanency for a minor child in the legal and physical custody of a kinship caregiver. The program shall provide an initial one-time incentive payment to the kinship caregiver to defray the costs of initial placement of the minor child in the kinship caregiver's home. The program may provide additional permanency incentive payments for the minor child at six month intervals for a total period not to exceed thirty-six 35339
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months. 35348

(C) A kinship caregiver may participate in the program if all 35349
of the following requirements are met: 35350

(1) The kinship caregiver applies to a public children 35351
services agency in accordance with the application process 35352
established in rules authorized by division (E) of this section; 35353

~~(2) The minor child the kinship caregiver is caring for is a 35354
child with special needs as that term is defined in rules adopted 35355
under section 5153.163 of the Revised Code; 35356~~

~~(3) A Not earlier than July 1, 2005, a juvenile court has 35357
adjudicated the minor child to be an abused, neglected, dependent, 35358
or unruly child and determined that it is in the child's best 35359
interest to be in the issues an order granting legal custody of to 35360
the kinship caregiver, or the a probate court has determined that 35361
it is in the child's best interest to be in the guardianship of 35362
grants guardianship to the kinship caregiver, except that a 35363
temporary court order is not sufficient to meet this requirement; 35364~~

~~(4)~~(3) The kinship caregiver is either the minor child's 35365
custodian or guardian; 35366

~~(5)~~(4) The minor child resides with the kinship caregiver 35367
pursuant to a placement approval process established in rules 35368
authorized by division (E) of this section; 35369

~~(6) The~~(5) Excluding any income excluded under rules adopted 35370
under division (E) of this section, the gross income of the 35371
kinship caregiver's family, including the minor child, does not 35372
exceed ~~two~~ three hundred per cent of the federal poverty 35373
guidelines. 35374

(D) Public children services agencies shall make initial and 35375
ongoing eligibility determinations for the kinship permanency 35376
incentive program in accordance with rules authorized by division 35377

(E) of this section. The director of job and family services shall supervise public children services agencies' duties under this section.

(E) The director of job and family services shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following:

(1) The application process for the program;

(2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;

(3) The initial and ongoing eligibility determination process for the program, including the computation of income eligibility;

(4) The amount of the incentive payments provided under the program;

(5) The method by which the incentive payments are provided to a kinship caregiver;

~~(6) Anything else the director considers necessary to implement the program.~~

~~(F) The director shall begin implementation of the kinship permanency incentive program no later than January 1, 2006.~~

Sec. 5101.97. (A)(1) Not later than the last day of each July and January, the department of job and family services shall complete a report on the characteristics of the individuals who participate in or receive services through the programs operated by the department and the outcomes of the individuals' participation in or receipt of services through the programs. The reports shall be for the six-month periods ending on the last days of June and December and shall include information on the following:

(a) Work participation activities, ~~developmental activities,~~ 35408
~~and alternative work activities~~ established under ~~sections 5107.40~~ 35409
~~to 5107.69~~ in rules authorized by section 5107.40 of the Revised 35410
Code; 35411

(b) Programs of publicly funded child care, as defined in 35412
section 5104.01 of the Revised Code; 35413

(c) Child support enforcement programs; 35414

(d) Births to recipients of the medical assistance program 35415
established under Chapter 5111. of the Revised Code. 35416

(2) The department shall submit the reports required under 35417
division (A)(1) of this section to the speaker and minority leader 35418
of the house of representatives, the president and minority leader 35419
of the senate, the legislative budget officer, the director of 35420
budget and management, and each board of county commissioners. The 35421
department shall provide copies of the reports to any person or 35422
government entity on request. 35423

In designing the format for the reports, the department shall 35424
consult with individuals, organizations, and government entities 35425
interested in the programs operated by the department, so that the 35426
reports are designed to enable the general assembly and the public 35427
to evaluate the effectiveness of the programs and identify any 35428
needs that the programs are not meeting. 35429

(B) Whenever the federal government requires that the 35430
department submit a report on a program that is operated by the 35431
department or is otherwise under the department's jurisdiction, 35432
the department shall prepare and submit the report in accordance 35433
with the federal requirements applicable to that report. To the 35434
extent possible, the department may coordinate the preparation and 35435
submission of a particular report with any other report, plan, or 35436
other document required to be submitted to the federal government, 35437
as well as with any report required to be submitted to the general 35438

assembly. The reports required by the Personal Responsibility and 35439
Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) may be 35440
submitted as an annual summary. 35441

Sec. 5101.98. (A) There is hereby created in the state 35442
treasury the military injury relief fund, which shall consist of 35443
money contributed to it under section 5747.113 of the Revised 35444
Code, of incentive grants authorized by the "Jobs for Veterans 35445
Act," 116 Stat. 2033 (2002), and of contributions made directly to 35446
it. Any person or entity may contribute directly to the fund in 35447
addition to or independently of the income tax refund contribution 35448
system established in section 5747.113 of the Revised Code. 35449

(B) Upon application, the director of job and family services 35450
shall grant money in the fund to individuals injured while in 35451
active service as a member of the armed forces of the United 35452
States ~~and~~ while serving under operation Iraqi freedom or 35453
operation enduring freedom and to individuals diagnosed with 35454
post-traumatic stress disorder while serving, or after having 35455
served, in operation Iraqi freedom or operation enduring freedom. 35456

(C) An individual who receives a grant under this section is 35457
~~not~~ precluded from receiving ~~one or more~~ additional grants under 35458
this section ~~and~~ during the same state fiscal year but is not 35459
precluded from being considered for or receiving other assistance 35460
offered by the department of job and family services. 35461

(D) The director shall adopt rules under Chapter 119. of the 35462
Revised Code establishing: 35463

(1) Forms and procedures by which individuals may apply for a 35464
grant under this section; 35465

(2) Criteria for reviewing, evaluating, and ~~ranking~~ approving 35466
or denying grant applications; 35467

(3) Criteria for determining the amount of grants awarded 35468

under this section; and	35469
(4) <u>Definitions and standards applicable to determining whether an individual meets the requirements established in division (B) of this section;</u>	35470 35471 35472
(5) <u>The process for appealing eligibility determinations; and</u>	35473
(6) Any other rules necessary to administer the grant program established in this section.	35474 35475
(E) <u>An eligibility determination, a grant approval, or a grant denial made under this section may not be appealed under Chapter 119., section 5101.35, or any other provision of the Revised Code.</u>	35476 35477 35478 35479
Sec. 5104.30. (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:	35480 35481 35482 35483 35484
(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code;	35485 35486
(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code <u>and work-eligible individuals assigned to a work participation activity under section 5117.42 of the Revised Code;</u>	35487 35488 35489 35490
(3) Individuals who would be participating in the Ohio works first program if not for a sanction <u>Work-eligible individuals sanctioned</u> under section 5107.16 of the Revised Code and who continue to participate in a work <u>participation</u> activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;	35491 35492 35493 35494 35495 35496
(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per	35497 35498

cent of the federal poverty line; 35499

(5) Subject to available funds, other individuals determined 35500
eligible in accordance with rules adopted under section 5104.38 of 35501
the Revised Code. 35502

The department shall apply to the United States department of 35503
health and human services for authority to operate a coordinated 35504
program for publicly funded child care, if the director of job and 35505
family services determines that the application is necessary. For 35506
purposes of this section, the department of job and family 35507
services may enter into agreements with other state agencies that 35508
are involved in regulation or funding of child care. The 35509
department shall consider the special needs of migrant workers 35510
when it administers and coordinates publicly funded child care and 35511
shall develop appropriate procedures for accommodating the needs 35512
of migrant workers for publicly funded child care. 35513

(B) The department of job and family services shall 35514
distribute state and federal funds for publicly funded child care, 35515
including appropriations of state funds for publicly funded child 35516
care and appropriations of federal funds available under the child 35517
care block grant act, Title IV-A, and Title XX. The department may 35518
use any state funds appropriated for publicly funded child care as 35519
the state share required to match any federal funds appropriated 35520
for publicly funded child care. 35521

(C) In the use of federal funds available under the child 35522
care block grant act, all of the following apply: 35523

(1) The department may use the federal funds to hire staff to 35524
prepare any rules required under this chapter and to administer 35525
and coordinate federal and state funding for publicly funded child 35526
care. 35527

(2) Not more than five per cent of the aggregate amount of 35528
the federal funds received for a fiscal year may be expended for 35529

administrative costs. 35530

(3) The department shall allocate and use at least four per cent of the federal funds for the following: 35531
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(a) Activities designed to provide comprehensive consumer education to parents and the public; 35533
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(b) Activities that increase parental choice; 35535

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 35536
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(d) Establishing a voluntary child day-care center quality-rating program in which participation in the program may allow a child day-care center to be eligible for grants, technical assistance, training, or other assistance and become eligible for unrestricted monetary awards for maintaining a quality rating. 35539
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(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. A county department of job and family services may purchase child care from funds obtained through any other means. 35544
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(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter 35551
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into interagency agreements with the department of education, the 35561
board of regents, the department of development, and other state 35562
agencies and entities whenever the cooperative efforts of the 35563
other state agencies and entities are necessary for the department 35564
of job and family services to fulfill its duties and 35565
responsibilities under this chapter. 35566

The department shall develop and maintain a registry of 35567
persons providing child care. The director shall adopt rules 35568
pursuant to Chapter 119. of the Revised Code establishing 35569
procedures and requirements for the registry's administration. 35570

(E)(1) The director shall adopt rules in accordance with 35571
Chapter 119. of the Revised Code establishing both of the 35572
following: 35573

(a) Reimbursement ceilings for providers of publicly funded 35574
child care; 35575

(b) A procedure for reimbursing and paying providers of 35576
publicly funded child care. 35577

(2) In establishing reimbursement ceilings under division 35578
(E)(1)(a) of this section, the director shall do all of the 35579
following: 35580

(a) Use the information obtained under division (B)(3) of 35581
section 5104.04 of the Revised Code; 35582

(b) Establish an enhanced reimbursement ceiling for providers 35583
who provide child care for caretaker parents who work 35584
nontraditional hours; 35585

(c) For a type B family day-care home provider that has 35586
received limited certification pursuant to rules adopted under 35587
division (G)(1) of section 5104.011 of the Revised Code, establish 35588
a reimbursement ceiling that is the following: 35589

(i) If the provider is a person described in division 35590

(G)(1)(a) of section 5104.011 of the Revised Code, seventy-five 35591
per cent of the reimbursement ceiling that applies to a type B 35592
family day-care home certified by the same county department of 35593
job and family services pursuant to section 5104.11 of the Revised 35594
Code; 35595

(ii) If the provider is a person described in division 35596
(G)(1)(b) of section 5104.011 of the Revised Code, sixty per cent 35597
of the reimbursement ceiling that applies to a type B family 35598
day-care home certified by the same county department pursuant to 35599
section 5104.11 of the Revised Code. 35600

(3) In establishing reimbursement ceilings under division 35601
(E)(1)(a) of this section, the director may establish different 35602
reimbursement ceilings based on any of the following: 35603

(a) Geographic location of the provider; 35604

(b) Type of care provided; 35605

(c) Age of the child served; 35606

(d) Special needs of the child served; 35607

(e) Whether the expanded hours of service are provided; 35608

(f) Whether weekend service is provided; 35609

(g) Whether the provider has exceeded the minimum 35610
requirements of state statutes and rules governing child care; 35611

(h) Any other factors the director considers appropriate. 35612

(F) The director shall adopt rules in accordance with Chapter 35613
119. of the Revised Code to implement the voluntary child day-care 35614
center quality-rating program described in division (C)(3)(d) of 35615
this section. 35616

Sec. 5107.01. ~~(A)~~ The Ohio general assembly hereby states the 35617
following beliefs with regard to the Ohio works first program: 35618

~~(1)(A)~~ That the first priority for minor heads of household and adults participating in the program is to work, which includes keeping an employer's schedule and satisfying the employer's work requirements, and to develop marketable skills.

~~(2)(B)~~ That many minor heads of household and adults participating in the program need to complete high school or receive training for an occupation in order to qualify for employment.

~~(B) The general assembly recognizes that some provisions of the Ohio works first program as operated pursuant to federal waivers granted by the United States secretary of health and human services pursuant to requests made under former section 5101.09 of the Revised Code enacted by Substitute House Bill No. 167 of the 121st general assembly and pursuant to requests made under section 5107.30 of the Revised Code, regarding the LEAP program, prior to the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) are inconsistent with that act. It is the intent of the general assembly to rely on the federal waivers for authority to conduct the program in the manner specified in this chapter to ensure the work readiness of program participants by requiring at least twenty hours of weekly participation in work activities, including, except as limited by division (B)(2) of section 5107.43 of the Revised Code, a work activity established under section 5107.58 of the Revised Code in which a participant is enrolled full-time in post-secondary education leading to vocation, and no more than ten hours of weekly participation in developmental activities in accordance with sections 5107.40 to 5107.69 of the Revised Code.~~

Sec. 5107.02. As used in this chapter:

(A) "Adult" means an individual who is not a minor child.

(B) "Assistance group" means a group of individuals treated

as a unit for purposes of determining eligibility for and the amount of assistance provided under Ohio works first.

(C) "Custodian" means an individual who has legal custody, as defined in section 2151.011 of the Revised Code, of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.

(D) "Guardian" means an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.

(E) "LEAP program" means the learning, earning, and parenting program conducted under section 5107.30 of the Revised Code.

(F) "Minor child" means either of the following:

(1) An individual who has not attained age eighteen;

(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.

~~(F)~~(G) "Minor head of household" means a minor child who is either of the following:

(1) Is married, at least six months pregnant, and a member of an assistance group that does not include an adult;

(2) Is married and is a parent of a child included in the same assistance group that does not include an adult.

~~(G)~~(H) "Ohio works first" means the program established by this chapter known as temporary assistance for needy families in Title IV-A.

~~(H)~~(I) "Payment standard" means the amount specified in rules adopted under section 5107.05 of the Revised Code that is the

maximum amount of cash assistance an assistance group may receive 35680
under Ohio works first from state and federal funds. 35681

~~(I)~~(J) "Specified relative" means the following individuals 35682
who are age eighteen or older: 35683

(1) The following individuals related by blood or adoption: 35684

(a) Grandparents, including grandparents with the prefix 35685
"great," "great-great," or "great-great-great"; 35686

(b) Siblings; 35687

(c) Aunts, uncles, nephews, and nieces, including such 35688
relatives with the prefix "great," "great-great," "grand," or 35689
"great-grand"; 35690

(d) First cousins and first cousins once removed. 35691

(2) Stepparents and stepsiblings; 35692

(3) Spouses and former spouses of individuals named in 35693
division ~~(I)~~(J)(1) or (2) of this section. 35694

~~(J)~~(K) "Title IV-A" or "Title IV-D" means Title IV-A or Title 35695
IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 35696
301, as amended. 35697

(L) "Work-eligible individual" has the same meaning as in 45 35698
C.F.R. 261.2. 35699

Sec. 5107.03. There is hereby established the Ohio works 35700
first program. The department of job and family services shall 35701
administer the program, as long as federal funds are provided for 35702
the program, in accordance with Title IV-A, federal regulations, 35703
state law, the Title IV-A state plan submitted to the United 35704
States secretary of health and human services under section 35705
5101.80 of the Revised Code, amendments to the plan, and federal 35706
waivers granted by the United States secretary. 35707

~~The department shall make all cash assistance payments for 35708~~

~~Ohio works first from funds appropriated for the Ohio works first 35709
program. A county department of job and family services may use 35710
county funds to increase the amount of cash assistance an 35711
assistance group receives. An increase in the amount of cash 35712
assistance that results from such a use of county funds shall not 35713
be included as countable income, gross earned income, or gross 35714
unearned income of the assistance group. 35715~~

Sec. 5107.04. As used in this section, "cost-of-living 35716
adjustment" means the cost-of-living adjustment made by the United 35717
States commissioner of social security under 42 U.S.C. 415(i) for 35718
benefits provided under Title II of the "Social Security Act of 35719
1935." 35720

The department of job and family services shall make all cash 35721
assistance payments for Ohio works first from funds appropriated 35722
for the Ohio works first program. The amount of a cash assistance 35723
payment the department is to make to an assistance group shall be 35724
determined in accordance with rules adopted under section 5107.05 35725
of the Revised Code and shall not exceed the payment standard. The 35726
department shall increase the payment standard on January 1, 2009, 35727
and the first day of each January thereafter by the cost-of-living 35728
adjustment made in the immediately preceding December. 35729

A county department of job and family services may use county 35730
funds to increase the amount of cash assistance an assistance 35731
group receives. An increase in the amount of cash assistance that 35732
results from such a use of county funds shall not be included as 35733
countable income, gross earned income, or gross unearned income of 35734
the assistance group. 35735

Sec. 5107.05. The director of job and family services shall 35736
adopt rules to implement this chapter. The rules shall be 35737
consistent with Title IV-A, Title IV-D, federal regulations, state 35738

law, the Title IV-A state plan submitted to the United States 35739
secretary of health and human services under section 5101.80 of 35740
the Revised Code, amendments to the plan, and waivers granted by 35741
the United States secretary. Rules governing eligibility, program 35742
participation, and other applicant and participant requirements 35743
shall be adopted in accordance with Chapter 119. of the Revised 35744
Code. Rules governing financial and other administrative 35745
requirements applicable to the department of job and family 35746
services and county departments of job and family services shall 35747
be adopted in accordance with section 111.15 of the Revised Code. 35748

(A) The rules shall specify, establish, or govern all of the 35749
following: 35750

(1) A payment standard for Ohio works first based on federal 35751
and state appropriations that is increased in accordance with 35752
section 5107.04 of the Revised Code; 35753

(2) ~~The~~ For the purpose of section 5107.04 of the Revised 35754
Code, the method of determining the amount of cash assistance an 35755
assistance group receives under Ohio works first; 35756

(3) Requirements for initial and continued eligibility for 35757
Ohio works first, including requirements regarding income, 35758
citizenship, age, residence, and assistance group composition. ~~The~~ 35759
~~rules regarding income shall specify what is countable income,~~ 35760
~~gross earned income, and gross unearned income for the purpose of~~ 35761
~~section 5107.10 of the Revised Code.;~~ 35762

(4) For the purpose of section 5107.12 of the Revised Code, 35763
application and verification procedures, including the minimum 35764
information an application must contain. ~~If there are at least two~~ 35765
~~telephone numbers available that a county department of human~~ 35766
~~services can call to contact members of an assistance group, which~~ 35767
~~may include the telephone number of an individual who can contact~~ 35768
~~an assistance group member for the county department, the minimum~~ 35769

~~information shall include at least those two telephone numbers.;~~ 35770

(5) The extent to which a participant of Ohio works first 35771
must notify, pursuant to section 5107.12 of the Revised Code, a 35772
county department of job and family services of additional income 35773
not previously reported to the county department; 35774

(6) For the purpose of section 5107.16 of the Revised Code, 35775
standards for the determination of good cause for failure or 35776
refusal to comply in full with a provision of a self-sufficiency 35777
contract; 35778

(7) The department of job and family services providing 35779
written notice of a sanction under section 5107.161 of the Revised 35780
Code; 35781

~~(7)~~(8) Requirements for the collection and distribution of 35782
support payments owed participants of Ohio works first pursuant to 35783
section 5107.20 of the Revised Code; 35784

~~(8)~~(9) For the purpose of section 5107.22 of the Revised 35785
Code, what constitutes cooperating in establishing a minor child's 35786
paternity or establishing, modifying, or enforcing a child support 35787
order and good cause for failure or refusal to cooperate. ~~The rule~~ 35788
~~shall be consistent with 42 U.S.C.A. 654(29).;~~ 35789

~~(9)~~(10) The requirements governing the LEAP program ~~provided~~ 35790
~~for under section 5107.30 of the Revised Code,~~ including the 35791
definitions of "equivalent of a high school diploma" and "good 35792
cause," and the incentives provided under the LEAP program; 35793

~~(10)~~(11) If the director implements section 5107.301 of the 35794
Revised Code, the requirements governing the award provided under 35795
that section, including the form that the award is to take and 35796
requirements an individual must satisfy to receive the award; 35797

~~(11) Circumstances under which a county department of job and~~ 35798
~~family services may exempt a minor head of household or adult from~~ 35799

~~participating in a work activity or developmental activity for all 35800
or some of the weekly hours otherwise required by section 5107.43 35801
of the Revised Code. Circumstances shall include that a school or 35802
place of work is closed due to a holiday or weather or other 35803
emergency and that an employer grants the minor head of household 35804
or adult leave for illness or earned vacation. 35805~~

(12) Work participation activities to which work-eligible 35806
individuals are to be assigned under section 5107.42 of the 35807
Revised Code; 35808

(13) County departments of job and family services assigning 35809
work-eligible individuals to work participation activities under 35810
section 5107.42 of the Revised Code; 35811

(14) The maximum amount of time the department will subsidize 35812
positions created by state agencies and political subdivisions 35813
under ~~division (C) of section 5107.52~~ 5107.46 of the Revised Code. 35814

(B) The rules adopted under division (A)(3) of this section 35815
regarding income shall specify what is countable income, gross 35816
earned income, and gross unearned income for the purpose of 35817
section 5107.10 of the Revised Code. 35818

The rules adopted under division (A)(9) of this section shall 35819
be consistent with 42 U.S.C. 654(29). 35820

The rules adopted under division (A)(13) of this section 35821
shall specify the number of hours a work-eligible individual must 35822
participate in a work participation activity, methods for 35823
reporting hours of participation, and the type and frequency of 35824
documentation needed to verify reported hours of participation. 35825
Those rules shall also specify circumstances under which a 35826
work-eligible individual may be exempt from assignment to work 35827
participation activities. 35828

(C) The rules may provide that a county department of job and 35829
family services is not required to take action under section 35830

5107.76 of the Revised Code to recover an erroneous payment that 35831
is below an amount the department specifies. 35832

Sec. 5107.10. (A) As used in this section: 35833

(1) "Countable income," "gross earned income," and "gross 35834
unearned income" have the meanings established in rules adopted 35835
under section 5107.05 of the Revised Code. 35836

(2) "Federal poverty guidelines" has the same meaning as in 35837
section 5101.46 of the Revised Code, except that references to a 35838
person's family in the definition shall be deemed to be references 35839
to the person's assistance group. 35840

(3) "Gross income" means gross earned income and gross 35841
unearned income. 35842

(4) ~~"Initial eligibility threshold" means the higher of the 35843
following:~~ 35844

~~(a) Fifty per cent of the federal poverty guidelines;~~ 35845

~~(b) The gross income maximum for initial eligibility for Ohio 35846
works first as that maximum was set by division (D)(1)(a) of this 35847
section on the day before the effective date of this amendment. 35848~~

~~(5) "Strike" means continuous concerted action in failing to 35849
report to duty; willful absence from one's position; or stoppage 35850
of work in whole from the full, faithful, and proper performance 35851
of the duties of employment, for the purpose of inducing, 35852
influencing, or coercing a change in wages, hours, terms, and 35853
other conditions of employment. "Strike" does not include a 35854
stoppage of work by employees in good faith because of dangerous 35855
or unhealthful working conditions at the place of employment that 35856
are abnormal to the place of employment. 35857~~

(B) Under the Ohio works first program, an assistance group 35858
shall receive, except as otherwise provided by this chapter, 35859
time-limited cash assistance. In the case of an assistance group 35860

that includes a minor head of household or adult or for which 35861
there is a work-eligible individual, assistance shall be provided 35862
in accordance with the self-sufficiency contract entered into 35863
under section 5107.14 of the Revised Code. 35864

(C) To be eligible to participate in Ohio works first, an 35865
assistance group must meet all of the following requirements: 35866

(1) The assistance group, except as provided in division (E) 35867
of this section, must include at least one of the following: 35868

(a) A minor child who, except as provided in section 5107.24 35869
of the Revised Code, resides with a parent, or specified relative 35870
caring for the child, or, to the extent permitted by Title IV-A 35871
and federal regulations adopted until Title IV-A, resides with a 35872
guardian or custodian caring for the child; 35873

(b) A parent residing with and caring for the parent's minor 35874
child who receives supplemental security income under Title XVI of 35875
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 35876
as amended, or federal, state, or local adoption assistance; 35877

(c) A specified relative residing with and caring for a minor 35878
child who is related to the specified relative in a manner that 35879
makes the specified relative a specified relative and receives 35880
supplemental security income or federal, state, or local foster 35881
care or adoption assistance; 35882

(d) A woman at least six months pregnant. 35883

(2) The assistance group must meet the income requirements 35884
established by division (D) of this section. 35885

(3) No member of the assistance group may be involved in a 35886
strike. 35887

(4) The assistance group must satisfy the requirements for 35888
Ohio works first established by this chapter and sections 5101.58, 35889
5101.59, and 5101.83 of the Revised Code. 35890

(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code.

(D)(1) Except as provided in division (D)(4) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following:

(a) Determine whether the assistance group's gross income exceeds ~~the initial eligibility threshold~~ fifty per cent of the federal poverty guidelines. In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to participate in Ohio works first if the assistance group's gross income, less the amounts disregarded, exceeds ~~the initial eligibility threshold~~ fifty per cent of the federal poverty guidelines.

(b) If the assistance group's gross income, less the amounts disregarded pursuant to division (D)(1)(a) of this section, does not exceed ~~the initial eligibility threshold~~ fifty per cent of the federal poverty guidelines, determine whether the assistance group's countable income is less than the payment standard. The assistance group is ineligible to participate in Ohio works first if the assistance group's countable income equals or exceeds the payment standard.

(2) For the purpose of determining whether an assistance group meets the income requirement established by division (D)(1)(a) of this section, the annual revision that the United States department of health and human services makes to the federal poverty guidelines shall go into effect on the first day of July of the year for which the revision is made.

(3) To determine whether an assistance group participating in Ohio works first continues to be eligible to participate, a county department of job and family services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard the first two hundred fifty dollars and fifty per cent of the remainder of the assistance group's gross earned income. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group ceases to be eligible to participate in Ohio works first if its countable income, less the amounts disregarded, equals or exceeds the payment standard.

(4) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to participate, a county department of job and family services shall use the income requirement established by division (D)(3) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D)(1) of this section.

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance group's home due to abuse, neglect, or dependency if the agency does both of the following:

(a) Notifies the county department of job and family services at the time the agency removes the children that it believes the children will be able to return to the assistance group within six months;

(b) Informs the county department at the end of each of the first five months after the agency removes the children that the parent, guardian, custodian, or specified relative of the children is cooperating with the case plans prepared for the children under

section 2151.412 of the Revised Code and that the agency is making 35954
reasonable efforts to return the children to the assistance group. 35955

(2) An assistance group may continue to participate in Ohio 35956
works first pursuant to division (E)(1) of this section for not 35957
more than six payment months. This division does not affect the 35958
eligibility of an assistance group that includes a woman at least 35959
six months pregnant. 35960

Sec. 5107.12. An assistance group seeking to participate in 35961
the Ohio works first program shall apply to a county department of 35962
job and family services using an application containing 35963
information the director of job and family services requires 35964
pursuant to rules adopted under section 5107.05 of the Revised 35965
Code and any additional information the county department 35966
requires. If cash assistance under the program is to be paid by 35967
the director of budget and management through the medium of direct 35968
deposit as provided by section 329.03 of the Revised Code, the 35969
application shall be accompanied by information the director needs 35970
to make direct deposits. 35971

When a county department receives an application for 35972
participation in Ohio works first, it shall promptly make an 35973
investigation and record of the circumstances of the applicant in 35974
order to ascertain the facts surrounding the application and to 35975
obtain such other information as may be required. Upon the 35976
completion of the investigation, the county department shall 35977
determine as soon as possible whether the applicant is eligible to 35978
participate, the amount of cash assistance the applicant should 35979
receive, and the approximate date when participation shall begin. 35980
The county department shall not delay making the determination of 35981
whether the applicant is eligible to participate on the basis that 35982
the individuals required by section 5107.14 of the Revised Code to 35983
enter into a written self-sufficiency contract with the county 35984

department have not yet done that. The amount of cash assistance 35985
so determined shall be certified to the department of job and 35986
family services in such form as the department shall prescribe. 35987
Warrants, direct deposits, or debit cards shall be delivered or 35988
made payable in the manner the department may prescribe. 35989

To the extent required by rules adopted under section 5107.05 35990
of the Revised Code, a participant of Ohio works first shall 35991
notify the county department immediately upon the receipt or 35992
possession of additional income not previously reported to the 35993
county department. Any failure to so notify a county department 35994
shall be regarded as prima-facie evidence of an intent to defraud. 35995

Sec. 5107.14. (A) An assistance group is ineligible to 35996
participate in Ohio works first unless the minor head of household 35997
or each adult member of the assistance group, not later than 35998
thirty days after applying for or undergoing a redetermination of 35999
eligibility for the program, enters all of the following enter 36000
into a written self-sufficiency contract with the county 36001
department of job and family services not later than thirty days 36002
after the assistance group applies for or undergoes a 36003
redetermination of eligibility for the program: 36004

(1) Each adult member of the assistance group; 36005

(2) The assistance group's minor head of household unless the 36006
minor head of household is participating in the LEAP program; 36007

(3) Each of the assistance group's work-eligible individuals 36008
other than a work-eligible individual who is a minor head of 36009
household participating in the LEAP program. The 36010

(B) A self-sufficiency contract shall set forth the rights 36011
and responsibilities of the assistance group as applicants for and 36012
participants of the program, including work responsibilities 36013
established under sections 5107.40 to 5107.69 of the Revised Code 36014

~~and other requirements designed to assist the assistance group in achieving self-sufficiency and personal responsibility. The county department shall provide without charge a copy of the contract to each assistance group member who signs it.~~ 36015
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Each Ohio works first and the rights and responsibilities of the work-eligible individuals. Each self-sufficiency contract shall include, based on appraisals conducted under section 5107.41 of the Revised Code and assessments conducted under section 5107.70 of the Revised Code, the following: 36019
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~~(A)(1)~~ The assistance group's plan, developed under section 5107.41 of the Revised Code, to achieve the goal of self-sufficiency and personal responsibility through unsubsidized employment within the time limit for participating in Ohio works first established by section 5107.18 of the Revised Code; 36024
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~~(B) Work activities, developmental activities, and alternative~~ (2) The work participation activities to which members of the assistance group work-eligible individuals are assigned under sections 5107.40 to 5107.69 section 5107.42 of the Revised Code; 36029
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~~(C)(3)~~ The responsibility of a caretaker member of the assistance group to cooperate in establishing a minor child's paternity and establishing, modifying, and enforcing a support order for the child in accordance with section 5107.22 of the Revised Code; 36034
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~~(D)(4)~~ Other responsibilities that members of the assistance group must satisfy to participate in Ohio works first and the consequences for failure or refusal to satisfy the responsibilities; 36039
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~~(E)(5)~~ An agreement that the assistance group will comply with the conditions of participating in Ohio works first established by this chapter and sections 5101.58, 5101.59, and 36043
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5101.83 of the Revised Code; 36046

~~(F)~~(6) Assistance and services the county department will 36047
provide to the assistance group; 36048

~~(G)~~(7) Assistance and services the child support enforcement 36049
agency and public children services agency will provide to the 36050
assistance group pursuant to a plan of cooperation entered into 36051
under section 307.983 of the Revised Code; 36052

~~(H)~~(8) Other provisions designed to assist the assistance 36053
group in achieving self sufficiency and personal responsibility; 36054

~~(I)~~(9) Procedures for assessing whether responsibilities are 36055
being satisfied and whether the contract should be amended; 36056

~~(J)~~(10) Procedures for amending the contract. 36057

(C) No self-sufficiency contract shall include provisions 36058
regarding the LEAP program. 36059

(D) The county department shall provide without charge a copy 36060
of the self-sufficiency contract to each assistance group member 36061
and work-eligible individual who signs it. 36062

Sec. 5107.16. (A) If any of an assistance group's 36063
work-eligible individuals or a member of an the assistance group 36064
fails or refuses, without good cause, to comply in full with a 36065
provision of a self-sufficiency contract entered into under 36066
section 5107.14 of the Revised Code, a county department of job 36067
and family services shall sanction the work-eligible individuals 36068
and assistance group as follows: 36069

(1) For a first failure or refusal, the county department 36070
shall deny or terminate the work-eligible individuals' and 36071
assistance group's eligibility to participate in Ohio works first 36072
for one payment month ~~or until the failure or refusal ceases,~~ 36073
~~whichever is longer;~~ 36074

(2) For a second failure or refusal, the county department shall deny or terminate the work-eligible individuals' and assistance group's eligibility to participate in Ohio works first for three payment months ~~or until the failure or refusal ceases, whichever is longer;~~

(3) For a third or subsequent failure or refusal, the county department shall deny or terminate the work-eligible individuals' and assistance group's eligibility to participate in Ohio works first for six payment months ~~or until the failure or refusal ceases, whichever is longer.~~

(B) ~~Each county department~~ The director of job and family services shall establish standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract in rules adopted under section 5107.05 of the Revised Code.

~~(1) In the case of a failure or refusal to participate in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code, good cause shall include, except as provided in division (B)(2) of this section, the following:~~

~~(a) Failure of the county department to place the member in an activity;~~

~~(b) Failure of the county department to provide for the assistance group to receive support services the county department determines under section 5107.66 of the Revised Code to be necessary. In determining whether good cause exists, a county department shall determine that day care is a necessary support service if a single custodial parent caring for a minor child under age six proves a demonstrated inability, as determined by the county department, to obtain needed child care for one or more of the following reasons:~~

(i) Unavailability of appropriate child care within a reasonable distance from the parent's home or work site;	36106
(ii) Unavailability or unsuitability of informal child care by a relative or under other arrangements;	36107
(iii) Unavailability of appropriate and affordable formal child care arrangements.	36108
(2) Good cause does not exist if the member of the assistance group is placed in a work activity established under section 5107.58 of the Revised Code and exhausts the support services available for that activity.	36109
(C) When a state hearing under division (B) of section 5101.35 of the Revised Code or an administrative appeal under division (C) of that section is held regarding a sanction under this section, the hearing officer, director of job and family services, or director's designee shall base the decision in the hearing or appeal on the county department's standards of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract, if the county department provides the hearing officer, director, or director's designee a copy of the county department's good cause standards.	36110
(D) After sanctioning <u>work-eligible individuals and</u> an assistance group under division (A) of this section, a county department of job and family services shall continue to work with the <u>work-eligible individuals and</u> assistance group to provide the member of the assistance group who caused the sanction an opportunity to demonstrate to the county department a willingness to cease the failure or refusal to comply with the self-sufficiency contract.	36111
(E)(D) An adult eligible for medical assistance <u>medicaid</u> pursuant to division (A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned under division (A)(3) of this section for a	36112
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failure or refusal, without good cause, to comply in full with a 36137
provision of a self-sufficiency contract related to work 36138
~~responsibilities~~ participation activities assigned under ~~sections~~ 36139
~~5107.40 to 5107.69~~ section 5107.42 of the Revised Code loses 36140
eligibility for ~~medical assistance~~ medicaid unless the adult is 36141
otherwise eligible for ~~medical assistance~~ medicaid pursuant to 36142
another division of section 5111.01 of the Revised Code. 36143

~~(F)~~ An Work-eligible individuals and an assistance group that 36144
would be participating in Ohio works first if not for a sanction 36145
under this section shall continue to be eligible for all of the 36146
following: 36147

(1) Publicly funded child care in accordance with division 36148
(A)(3) of section 5104.30 of the Revised Code; 36149

(2) Support services in accordance with section ~~5107.66~~ 36150
5107.44 of the Revised Code; 36151

(3) To the extent permitted by the "Fair Labor Standards Act 36152
of 1938," 52 Stat. 1060, 29 U.S.C.A. 201, as amended, to 36153
participate in work participation activities, ~~developmental~~ 36154
~~activities, and alternative work activities in accordance with~~ 36155
~~sections 5107.40 to 5107.69~~ assigned under section 5107.42 of the 36156
Revised Code. 36157

Sec. 5107.161. Before a county department of job and family 36158
services sanctions work-eligible individuals and an assistance 36159
group under section 5107.16 of the Revised Code, the state 36160
department of job and family services shall provide the 36161
work-eligible individuals and assistance group written notice of 36162
the sanction in accordance with rules adopted under section 36163
5107.05 of the Revised Code. The written notice shall include a 36164
provision printed in bold type face that informs the work-eligible 36165
individuals and assistance group that, not later than fifteen 36166
calendar days after the state department mailed the written notice 36167

to the work-eligible individuals and assistance group, the 36168
work-eligible individuals and assistance group may request, for 36169
the purpose of explaining why the work-eligible individuals and 36170
assistance group ~~believes~~ believe it should not be sanctioned, a 36171
state hearing under division (B) of section 5101.35 of the Revised 36172
Code which, at the work-eligible individuals' and assistance 36173
group's request, may be preceded by a face-to-face county 36174
conference with the county department. The written notice shall 36175
include either the telephone number of an Ohio works first 36176
ombudsperson provided for under section 329.07 of the Revised Code 36177
or the toll-free telephone number of the state department of job 36178
and family services that the work-eligible individuals and 36179
assistance group may call to obtain the telephone number of an 36180
Ohio works first ombudsperson. 36181

Sec. 5107.162. If work-eligible individuals and an assistance 36182
group ~~requests~~ request a state hearing under division (B) of 36183
section 5101.35 of the Revised Code not later than fifteen 36184
calendar days after the department of job and family services 36185
mails the work-eligible individuals and assistance group a written 36186
notice of a sanction under section 5107.161 of the Revised Code, a 36187
county department of job and family services shall postpone 36188
imposition of the sanction until the date a final decision is 36189
rendered in the state hearing, unless the work-eligible 36190
individuals and assistance group ~~withdraws~~ withdraw the request 36191
for the state hearing because the work-eligible individuals and 36192
assistance group ~~is~~ are satisfied with the results of a county 36193
conference. 36194

Sec. 5107.17. An assistance group that resumes participation 36195
in Ohio works first following a sanction under section 5107.16 of 36196
the Revised Code is not required to ~~do either of the following:~~ 36197

~~(A) Reapply~~ reapply under section 5107.12 of the Revised 36198

Code, unless it is the assistance group's regularly scheduled time 36199
for an eligibility redetermination+ 36200

~~(B) Enter.~~ 36201

Work-eligible individuals and an assistance group that resume 36202
participation in Ohio works first following a sanction under 36203
section 5107.16 of the Revised Code are not required to enter into 36204
a new self-sufficiency contract under section 5107.14 of the 36205
Revised Code, unless the county department of job and family 36206
services determines it is time for a new appraisal under section 36207
5107.41 of the Revised Code or the work-eligible individuals' or 36208
assistance group's circumstances have changed in a manner 36209
necessitating an amendment to the self-sufficiency contract as 36210
determined using procedures included in the contract under 36211
division ~~(I)~~(B)(9) of section 5107.14 of the Revised Code. 36212

Sec. 5107.281. A participant of Ohio works first who is 36213
enrolled in a school district in a county that is participating in 36214
the learnfare program and is not younger than age six but not 36215
older than age nineteen shall participate in the learnfare program 36216
unless one of the following is the case: 36217

(A) The participant is not yet eligible for enrollment in 36218
first grade; 36219

(B) The participant is subject to the LEAP program ~~under~~ 36220
~~section 5107.30 of the Revised Code;~~ 36221

(C) The participant has received one of the following: 36222

(1) A high school diploma; 36223

(2) A certificate stating that the participant has achieved 36224
the equivalent of a high school education as measured by scores 36225
obtained on the tests of general educational development as 36226
published by the American council on education. 36227

(D) The participant has been excused from school attendance 36228

pursuant to section 3321.04 of the Revised Code; 36229

(E) If child care services for a member of the participant's household are necessary for the participant to attend school, child care licensed or certified under Chapter 5104. of the Revised Code or under sections 3301.52 to 3301.59 of the Revised Code and transportation to and from the child care are not available; 36230
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(F) The participant has been adjudicated a delinquent or unruly child pursuant to section 2151.28 of the Revised Code. 36236
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Sec. 5107.30. (A) As used in this section: 36238

(1) "Equivalent of a high school diploma" and "good cause" have the meanings established in rules adopted under section 5107.05 of the Revised Code. 36239
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(2) ~~"LEAP program" means the learning, earning, and parenting program.~~ 36242
36243

~~(3)~~ "Participating teen" means an individual to whom all of the following apply: 36244
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(a) The individual is a participant of Ohio works first; 36246

(b) The individual is under age eighteen or is age eighteen and in school and is a natural or adoptive parent or is pregnant; 36247
36248

(c) The individual is subject to the LEAP program's requirements. 36249
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~~(4)~~(3) "School" means an educational program that is designed to lead to the attainment of a high school diploma or the equivalent of a high school diploma. 36251
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(B) The director of job and family services may conduct a program titled the "LEAP program" in accordance with rules adopted under section 5107.05 of the Revised Code. The purpose of the LEAP program is to encourage teens to complete school. 36254
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Every participating teen shall attend school in accordance 36258
with the requirements governing the LEAP program unless the 36259
participating teen shows good cause for not attending school. The 36260
department shall provide, in addition to the cash assistance 36261
payment provided under Ohio works first, an incentive payment, in 36262
an amount determined by the department, to every participating 36263
teen who attends school in accordance with the requirements 36264
governing the LEAP program. In addition to the incentive payment, 36265
the department may provide other incentives to participating teens 36266
who attend school in accordance with the LEAP program's 36267
requirements. The department shall reduce the cash assistance 36268
payment, in an amount determined by the department, under Ohio 36269
works first to every participating teen who fails or refuses, 36270
without good cause, to meet the LEAP program's requirements. 36271

Every participating teen shall enter into a written agreement 36272
with the county department of job and family services that 36273
specifies all of the following: 36274

(1) The participating teen, to be eligible to receive the 36275
incentive payment and other incentives, if any, under this 36276
section, must meet the requirements of the LEAP program. 36277

(2) The incentive payment and other incentives, if any, will 36278
be provided if the participating teen meets the requirements of 36279
the LEAP program. 36280

(3) The participating teen's cash assistance payment under 36281
Ohio works first will be reduced if the participating teen fails 36282
or refuses without good cause to attend school in accordance with 36283
the requirements governing the LEAP program. 36284

(C) A minor head of ~~household who is participating~~ 36285
household's participation in the LEAP program shall be ~~considered~~ 36286
~~to be participating in a work activity for the purpose of sections~~ 36287
~~5107.40 to 5107.69~~ counted in determining whether a county 36288

department of job and family services meets the requirement of 36289
section 5107.44 of the Revised Code. However, the minor head of 36290
household is not subject to the requirements or sanctions of those 36291
sections. 36292

(D) Subject to the availability of funds, county departments 36293
of job and family services shall provide for participating teens 36294
to receive support services the county department determines to be 36295
necessary for LEAP participation. Support services may include 36296
publicly funded child care under Chapter 5104. of the Revised 36297
Code, transportation, and other services. 36298

Sec. 5107.36. An individual is ~~not eligible to participate in~~ 36299
ineligible for assistance under Ohio works first if either of the 36300
following apply: 36301

(A) The individual is a fugitive felon as defined in section 36302
5101.20 of the Revised Code; 36303

(B) The individual is violating a condition of probation, a 36304
community control sanction, parole, or a post-release control 36305
sanction imposed under federal or state law. 36306

Sec. 5107.40. The director of job and family services shall 36307
establish work participation activities for Ohio works first in 36308
rules adopted under section 5107.05 of the Revised Code. The work 36309
participation activities shall include a subsidized employment 36310
program under which private and government employers receive 36311
payments from appropriations to the department of job and family 36312
services for a portion of the costs of salaries, wages, and 36313
benefits such employers pay to or on behalf of employees who are 36314
participants in the subsidized employment program at the time of 36315
employment. 36316

Sec. 5107.41. As soon as possible after an assistance group 36317

submits an application to participate in Ohio works first, the 36318
county department of job and family services that receives the 36319
application shall schedule and conduct an appraisal of each ~~member~~ 36320
~~of the assistance group who is a minor head of household or adult~~ 36321
work-eligible individual, other than a minor head of household 36322
participating in the LEAP program. The appraisal may include an 36323
evaluation of the employment, educational, physiological, and 36324
psychological abilities or liabilities, or both, of the ~~minor head~~ 36325
~~of household or adult~~ work-eligible individuals. At the appraisal, 36326
the county department shall develop with the ~~minor head of~~ 36327
~~household or adult~~ work-eligible individuals a plan for the 36328
assistance group to achieve the goal of self sufficiency and 36329
personal responsibility through unsubsidized employment within the 36330
time limit for participating in the Ohio works first program 36331
established by section 5107.18 of the Revised Code. The plan shall 36332
include ~~assignments to one or more work~~ participation activities, 36333
~~developmental activities, or alternative work activities in~~ 36334
~~accordance with~~ assigned under section 5107.42 of the Revised 36335
Code. The county department shall include the plan in the 36336
self-sufficiency contract entered into under section 5107.14 of 36337
the Revised Code. 36338

The county department shall conduct more appraisals of the 36339
~~minor head of household or adult~~ work-eligible individuals at 36340
times the county department determines. 36341

If ~~the minor head of household or adult~~ a work-eligible 36342
individual claims to have a medically determinable physiological 36343
or psychological impairment, illness, or disability, the county 36344
department may require that the ~~minor head of household or adult~~ 36345
work-eligible individual undergo an independent medical or 36346
psychological examination at a time and place reasonably 36347
convenient to the ~~minor head of household or adult~~ work-eligible 36348
individual. 36349

~~Sec. 5107.42. (A) Except as provided in divisions (B) and (C) of this section, county County departments of job and family services shall assign each ~~minor head of household and adult participating in Ohio works first~~ work-eligible individual, other than minor heads of household participating in the LEAP program, to one or more work participation activities ~~and developmental activities in accordance with rules adopted under section 5107.05 of the Revised Code.~~~~

~~If a county department assigns a minor head of household or adult to the work activity established under division (H) of section 5107.60 of the Revised Code, the county department shall make reasonable efforts to assign the minor head of household or adult to at least one other work activity at the same time. If a county department assigns a minor head of household or adult to the work activity established under section 5107.58 of the Revised Code, the county department shall assign the minor head of household or adult to at least one other work activity at the same time.~~

~~A county department may not assign a minor head of household or adult to a work activity established under division (D) of section 5107.60 of the Revised Code for more than twelve months.~~

~~(B) If a county department determines that a minor head of household or adult has a temporary or permanent barrier to participation in a work activity, it may assign the minor head of household or adult to one or more alternative work activities instead of assigning the minor head of household or adult to one or more work activities or developmental activities. A county department may not assign more than twenty per cent of minor heads of household and adults participating in Ohio works first to an alternative work activity.~~

~~County departments shall establish standards for determining~~

~~whether a minor head of household or adult has a temporary or permanent barrier to participating in a work activity. The following are examples of circumstances that a county department may consider when it develops its standards:~~

~~(1) A minor head of household or adult provides the county department documented evidence that one or more members of the assistance group have been the victim of domestic violence and are in imminent danger of suffering continued domestic violence;~~

~~(2) A minor head of household or adult is actively participating in an alcohol or drug addiction program certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code;~~

~~(3) An assistance group is homeless.~~

~~(C) A county department may exempt a minor head of household or adult who is unmarried and caring for a minor child under twelve months of age from the work requirements of sections 5107.40 to 5107.69 of the Revised Code for not more than twelve months. While exempt, the minor head of household or adult shall be disregarded in determining whether the county department is meeting the requirement of section 5107.44 of the Revised Code. The county department shall assign the exempt minor head of household or adult to at least one developmental activity for a number of hours a week the county department determines. The county department may assign the exempt minor head of household or adult to one or more work activities, in addition to developmental activities, for a number of hours the county department determines. Division (B) of section 5107.43 of the Revised Code does not apply to the exempt minor head of household or adult.~~

~~(D) A county department may reassign a minor head of household or adult work-eligible individual when the county department determines reassignment will aid the assistance group~~

in achieving self sufficiency and personal responsibility and 36412
shall make reassignments when circumstances ~~requiring~~ 36413
~~necessitating~~ reassignment occur, ~~including when a temporary~~ 36414
~~barrier to participating in a work activity is eliminated.~~ 36415

A county department shall include assignments in the 36416
self-sufficiency contract entered into under section 5107.14 of 36417
the Revised Code and shall amend the contract when a reassignment 36418
is made to include the reassignment in the contract. 36419

Sec. ~~5107.66~~ 5107.44. Subject to the availability of funds 36420
~~and except as limited by section 5107.58 of the Revised Code,~~ 36421
county departments of job and family services shall provide for 36422
~~participants of Ohio works first placed in~~ work-eligible 36423
individuals assigned to a work participation activity, 36424
~~developmental activity, or alternative work activity under section~~ 36425
5107.42 of the Revised Code to receive support services the county 36426
department determines to be necessary. ~~County departments may~~ 36427
~~provide for applicants of Ohio works first placed in the work~~ 36428
~~activity established under section 5107.50 of the Revised Code to~~ 36429
~~receive support services the county department determines to be~~ 36430
necessary. Support services may include publicly funded child care 36431
under Chapter 5104. of the Revised Code, transportation, and other 36432
services. 36433

Sec. 5107.45. To the maximum extent practicable and 36434
consistent with rules authorized by section 5107.40 of the Revised 36435
Code, work-eligible individuals assigned to work participation 36436
activities under section 5107.42 of the Revised Code shall perform 36437
necessary support services provided under section 5107.44 of the 36438
Revised Code. 36439

Sec. ~~5107.52~~ 5107.46. ~~(A) There is hereby established, as a~~ 36440
~~work activity under Ohio works first, the subsidized employment~~ 36441

~~program, under which private and government employers receive 36442
payments from appropriations to the department of job and family 36443
services for a portion of the costs of salaries, wages, and 36444
benefits those employers pay to or on behalf of employees who are 36445
participants of the subsidized employment program at the time of 36446
employment. 36447~~

~~(B) The director of job and family services may redetermine 36448
rates of payments to employers under this section annually. 36449~~

~~(C) A state agency or political subdivision may create or 36450
fill vacant full-time and part-time positions, including 36451
classified and unclassified positions for those positions that are 36452
included in the civil service under Chapter 124. of the Revised 36453
Code, for or with participants of the subsidized employment 36454
program established in rules authorized by section 5107.40 of the 36455
Revised Code. The director shall specify in rules adopted under 36456
section 5107.05 of the Revised Code the maximum amount of time the 36457
department will subsidize the positions. After the subsidy 36458
expires, the agency or subdivision may hire the participant for an 36459
unclassified position or as an employee in the classified civil 36460
service. The director of administrative services may adopt rules 36461
in accordance with Chapter 119. of the Revised Code governing this 36462
division. 36463~~

~~(D) Participants of the subsidized employment program for 36464
whom payments are made under this section: 36465~~

~~(1) Shall be considered regular employees of the employer, 36466
entitled to the same employment benefits and opportunities for 36467
advancement and affiliation with employee organizations that are 36468
available to other regular employees of the employer, and the 36469
employer shall pay premiums to the bureau of workers' compensation 36470
on account of employees for whom payments are made; 36471~~

~~(2) Shall be paid at the same rate as other employees doing 36472~~

~~similar work for the employer.~~ 36473

~~(E) An agreement for employment of a subsidized employment
program participant by a private employer shall require that the
participant be given preference for any unsubsidized full-time
position with the employer that becomes available after the
participant completes any probationary or training period
specified in the agreement.~~ 36474
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Sec. ~~5107.541~~ 5107.47. A county department of job and family 36480
services may contract with the chief administrator of a nonpublic 36481
school or with any school district board of education that has 36482
adopted a resolution under section 3319.089 of the Revised Code to 36483
provide for a ~~participant of the work experience program~~ 36484
work-eligible individual who has a minor child enrolled in the 36485
nonpublic school or a public school in the district to be assigned 36486
under ~~the a work experience program to volunteer participation~~ 36487
activity under which the individual volunteers or work works for 36488
compensation at the school in which the child is enrolled if rules 36489
authorized by section 5107.40 of the Revised Code establishing the 36490
work participation activity permit such service to be performed 36491
under the work participation activity. Unless it is not possible 36492
or practical, a contract shall provide for a ~~participant~~ 36493
work-eligible individual to volunteer or work at the school as a 36494
classroom aide. If that is impossible or impractical, the contract 36495
may provide for the ~~participant~~ work-eligible individual to 36496
volunteer to work in another position at the school. A contract 36497
may provide for the nonpublic school or board of education to 36498
receive funding to pay for coordinating, training, and supervising 36499
~~participants~~ work-eligible individuals volunteering or working in 36500
schools. 36501

Notwithstanding section 3319.088 of the Revised Code, a 36502
~~participant~~ work-eligible individual volunteering or working as a 36503

classroom aide under this section is not required to obtain an 36504
educational aide permit or paraprofessional license. The 36505
~~participant~~ work-eligible individual shall not be considered an 36506
employee of a political subdivision for purposes of Chapter 2744. 36507
of the Revised Code and is not entitled to any immunity or defense 36508
available under that chapter, the common law of this state, or 36509
section 9.86 of the Revised Code. 36510

An assignment under this section shall include attending 36511
academic home enrichment classes that provide instruction for 36512
parents in creating a home environment that prepares and enables 36513
children to learn at school. 36514

Sec. ~~5107.61~~ 5107.48. Service as an Ohio works first 36515
ombudsperson pursuant to section 329.07 of the Revised Code may be 36516
an assignment under ~~the work experience program or a work~~ 36517
participation activity established under section 5107.60 of the 36518
~~Revised Code to which a participant of Ohio works first~~ 36519
work-eligible individual is assigned under section 5107.42 of the 36520
Revised Code if rules authorized by section 5107.40 of the Revised 36521
Code establishing the work participation activity permit such 36522
service to be performed under the work participation activity. 36523

Sec. ~~5107.65~~ 5107.50. (A)(1) No ~~participant of Ohio works~~ 36524
~~first~~ work-eligible individual shall be assigned to a work 36525
participation activity, developmental activity, or alternative 36526
~~work activity~~ under section 5107.42 of the Revised Code when the 36527
employer removes or discharges a person, for the purpose of 36528
substituting the ~~participant~~ work-eligible individual in the 36529
person's place, in any of the following circumstances: 36530

~~(a)(1)~~ (1) The person is already employed as a regular full-time 36531
or part-time employee of the employer; 36532

~~(b)(2)~~ (2) The person has been employed full time or part time as 36533

~~a participant in pursuant to a work participation activity,~~ 36534
~~developmental activity, or alternative work activity assigned~~ 36535
~~under section 5107.42 of the Revised Code;~~ 36536

~~(e)(3) The person is or has been involved in a dispute~~ 36537
~~between a labor organization and the employer;~~ 36538

~~(d)(4) The person is on layoff from the same or any~~ 36539
~~substantially equivalent job.~~ 36540

(B) No employer shall hire ~~a participant of Ohio works first~~ 36541
~~part-time a work-eligible individual participating in an Ohio~~ 36542
~~works first work participation activity~~ to circumvent hiring a 36543
full-time employee. 36544

(C) County departments of job and family services shall 36545
establish and maintain a grievance procedure for resolving 36546
complaints by individuals or their representatives that ~~the a~~ 36547
~~work-eligible individual's assignment of a participant of Ohio~~ 36548
~~works first to a work participation activity under section 5107.42~~ 36549
~~of the Revised Code violates this section.~~ 36550

Sec. 5107.52. ~~If a work-eligible individual is placed with a~~ 36551
~~private or government entity as part of a work participation~~ 36552
~~activity for which workers' compensation laws apply, the private~~ 36553
~~or government entity shall pay premiums to the bureau of workers'~~ 36554
~~compensation on account of the work-eligible individual unless a~~ 36555
~~county department of job and family services pays the premiums for~~ 36556
~~the entity.~~ 36557

Sec. 5107.67 5107.54. ~~Except for a participant of Ohio works~~ 36558
~~first who is assigned to a work activity established under section~~ 36559
~~5107.52 or division (A) of section 5107.60 of the Revised Code,~~ 36560
~~credit Credit~~ for work performed by a ~~participant~~ work-eligible 36561
individual in a work participation activity, ~~developmental~~ 36562
~~activity, or alternative work activity assigned under section~~ 36563

5107.42 of the Revised Code does not constitute remuneration for 36564
the purpose of Chapter 124., 144., or 145. of the Revised Code and 36565
services performed by the ~~participant~~ work-eligible individual do 36566
not constitute employment for the purpose of Chapter 4141. of the 36567
Revised Code. 36568

Sec. ~~5107.68~~ 5107.56. ~~(A) The county directors of job and 36569
family services shall implement and enforce the requirements of 36570
sections 5107.40 to 5107.69 of the Revised Code. State and local 36571
agencies shall cooperate with county departments of job and family 36572
services to the maximum extent possible in the implementation of 36573
those sections.~~ 36574

~~(B) In employing persons to administer and supervise work 36575
participation activities, ~~developmental activities, and 36576
alternative work activities~~ under Ohio works first, a county 36577
department of job and family services shall give first 36578
consideration to applicants for ~~and participants of~~ Ohio works 36579
first and work-eligible individuals, provided ~~such~~ the applicants 36580
and ~~participants~~ work-eligible individuals qualify for the 36581
administrative and supervisory positions to be filled. An 36582
applicant ~~or participant~~ shall be eligible for first consideration 36583
only within the county in which the applicant applies for ~~or 36584
participant participates in~~ Ohio works first. A work-eligible 36585
individual shall be eligible for first consideration only within 36586
the county in which the individual participates in a work 36587
participation activity. 36588~~

~~(C) To the maximum extent practicable, necessary support 36589
services provided under section 5107.66 of the Revised Code shall 36590
be performed by participants of Ohio works first placed in a work 36591
activity, developmental activity, or alternative work activity.~~ 36592

Sec. ~~5107.54~~ 5107.58. ~~(A) There is hereby established, as a 36593~~

~~work activity under Ohio works first, the work experience program. 36594
A participant of Ohio works first placed in the program shall 36595
receive work experience from private and government entities. 36596~~

~~Participants of Ohio works first Except as otherwise provided 36597
by federal or state law, work-eligible individuals assigned to the 36598
work experience program participation activities under section 36599
5107.42 of the Revised Code are not employees of the department of 36600
job and family services or a county department of job and family 36601
services. The operation of the work experience program 36602
participation activities does not constitute the operation of an 36603
employment agency by the department of job and family services or 36604
a county department of job and family services. 36605~~

~~(B) County departments of job and family services shall 36606
develop work projects to which participants of Ohio works first 36607
are assigned under the work experience program. Work projects may 36608
include assignments with private and government entities. Examples 36609
of work projects a county department may develop include unpaid 36610
internships, refurbishing publicly assisted housing, and having a 36611
participant volunteer to work at the head start agency in which 36612
the participant's minor child is enrolled. Each county department 36613
shall make a list of the work projects available to the public. 36614~~

~~(C) Unless a county department of job and family services 36615
pays the premiums for the entity, a private or government entity 36616
with which a participant of Ohio works first is placed in the work 36617
experience program shall pay premiums to the bureau of workers' 36618
compensation on account of the participant. 36619~~

~~**Sec. 5107.44 5107.60.** County Each federal fiscal year, county 36620
departments of job and family services, ~~on a statewide average~~ 36621
~~basis,~~ shall ~~exceed~~ meet the federal minimum work activity 36622
participation rates established by ~~section 407(a) of Title IV A,~~ 36623~~

42 U.S.C.A. 607(a), ~~by not less than five percentage points.~~ 36624

~~Sec. 5107.69~~ **5107.61.** ~~If the United States secretary of health and human services informs the department of job and family services that implementation of sections 5107.40 to 5107.69 of the Revised Code jeopardizes federal funding for the Ohio works first program, the~~ The department of job and family services shall ensure that county departments of job and family services require ~~minor heads of household and adults participating in Ohio works first~~ work-eligible individuals to participate in work participation activities, ~~developmental activities, and alternative work activities~~ in a manner consistent with 42 U.S.C.A. 607. 36625
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Sec. 5107.70. A county department of job and family services, at times it determines, may conduct assessments of assistance groups participating in Ohio works first and work-eligible individuals to determine whether any members of the assistance group or the work-eligible individuals are in need of other assistance or services provided by the county department or other private or government entities. Assessments may include the following: 36636
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(A) Whether any member of the assistance group or a work-eligible individual has a substance abuse problem; 36644
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(B) Whether there are any other circumstances that may limit an assistance group member's or work-eligible individual's employability. 36646
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At the first assessment conducted by the county department, it shall inquire as to whether any member of ~~an~~ the assistance group or a work-eligible individual is the victim of domestic violence, including child abuse. The county department shall provide this information to the department of job and family 36649
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services. The department shall maintain the information for 36654
statistical analysis purposes. 36655

The county department may refer an assistance group member or 36656
work-eligible individual to a private or government entity that 36657
provides assistance or services the county department determines 36658
the member or individual needs. The entity may be a public 36659
children services agency, chapter of alcoholics anonymous, 36660
narcotics anonymous, or cocaine anonymous, or any other entity the 36661
county department considers appropriate. 36662

Sec. 5111.01. As used in this chapter, "medical assistance 36663
program" or "medicaid" means the program that is authorized by 36664
this chapter or an executive order issued by the governor and 36665
provided by the department of job and family services under this 36666
chapter, Title XIX of the "Social Security Act," 79 Stat. 286 36667
(1965), 42 U.S.C.A. 1396, as amended, and the waivers of Title XIX 36668
requirements granted to the department by the ~~health care~~ 36669
~~financing administration~~ centers for medicare and medicaid 36670
services of the United States department of health and human 36671
services. 36672

The department of job and family services shall act as the 36673
single state agency to supervise the administration of the 36674
medicaid program. As the single state agency, the department shall 36675
comply with 42 C.F.R. 431.10(e). The department's rules governing 36676
medicaid are binding on other agencies that administer components 36677
of the medicaid program. No agency may establish, by rule or 36678
otherwise, a policy governing medicaid that is inconsistent with a 36679
medicaid policy established, in rule or otherwise, by the director 36680
of job and family services. 36681

(A) The department of job and family services may provide 36682
medical assistance under the medicaid program as long as federal 36683
funds are provided for such assistance, to the following: 36684

(1) Families with children that meet either of the following conditions: 36685
36686

(a) The family meets the income, resource, and family composition requirements in effect on July 16, 1996, for the former aid to dependent children program as those requirements were established by Chapter 5107. of the Revised Code, federal waivers granted pursuant to requests made under former section 5101.09 of the Revised Code, and rules adopted by the department or any changes the department makes to those requirements in accordance with paragraph (a)(2) of section 114 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of implementing section 5111.019 of the Revised Code. An adult loses eligibility for medical assistance under division (A)(1)(a) of this section pursuant to division ~~(E)~~(D) of section 5107.16 of the Revised Code. 36687
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(b) The family does not meet the requirements specified in division (A)(1)(a) of this section but is eligible for medical assistance pursuant to section 5101.18 of the Revised Code. 36701
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(2) Aged, blind, and disabled persons who meet the following conditions: 36704
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(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy-five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI. 36706
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(b) Do not receive aid under Title XVI, but meet any of the following criteria: 36714
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(i) Would be eligible to receive such aid, except that their 36716
income, other than that excluded from consideration as income 36717
under Title XVI, exceeds the maximum under division (A)(2)(a) of 36718
this section, and incurred expenses for medical care, as 36719
determined under federal regulations applicable to section 209(b) 36720
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 36721
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 36722
their income exceeds the maximum under division (A)(2)(a) of this 36723
section; 36724

(ii) Received aid for the aged, aid to the blind, or aid for 36725
the permanently and totally disabled prior to January 1, 1974, and 36726
continue to meet all the same eligibility requirements; 36727

(iii) Are eligible for medical assistance pursuant to section 36728
5101.18 of the Revised Code. 36729

(3) Persons to whom federal law requires, as a condition of 36730
state participation in the medicaid program, that medical 36731
assistance be provided; 36732

(4) Persons under age twenty-one who meet the income 36733
requirements for the Ohio works first program established under 36734
Chapter 5107. of the Revised Code but do not meet other 36735
eligibility requirements for the program. The director shall adopt 36736
rules in accordance with Chapter 119. of the Revised Code 36737
specifying which Ohio works first requirements shall be waived for 36738
the purpose of providing medicaid eligibility under division 36739
(A)(4) of this section. 36740

(B) If sufficient funds are appropriated for ~~such purpose by~~ 36741
~~the general assembly~~ the medical assistance program, the 36742
department may provide medical assistance to persons in groups 36743
designated by federal law as groups to which a state, at its 36744
option, may provide medical assistance under the medicaid program. 36745

(C) The department may expand eligibility for medical 36746

assistance to include individuals under age nineteen with family 36747
incomes at or below ~~one~~ five hundred ~~fifty~~ per cent of the federal 36748
poverty guidelines, ~~except that the~~. The eligibility expansion 36749
shall ~~not occur unless~~ be implemented in the manner and to the 36750
extent that the department receives ~~the~~ approval ~~of~~ from the 36751
federal government. The department may implement the eligibility 36752
expansion authorized under this division on any date selected by 36753
the department, but not sooner than January 1, 1998. 36754

(D) In addition to any other authority or requirement to 36755
adopt rules under this chapter, the director may adopt rules in 36756
accordance with section 111.15 of the Revised Code as the director 36757
considers necessary to establish standards, procedures, and other 36758
requirements regarding the provision of medical assistance. The 36759
rules may establish requirements to be followed in applying for 36760
medical assistance, making determinations of eligibility for 36761
medical assistance, and verifying eligibility for medical 36762
assistance. The rules may include special conditions as the 36763
department determines appropriate for making applications, 36764
determining eligibility, and verifying eligibility for any medical 36765
assistance that the department may provide pursuant to division 36766
(C) of this section and section 5111.014 or 5111.019 of the 36767
Revised Code. 36768

Sec. 5111.014. (A) The director of job and family services 36769
shall submit to the United States secretary of health and human 36770
services an amendment to the state medicaid plan to make an 36771
individual who meets all of the following requirements eligible 36772
for medicaid: 36773

(1) The individual is pregnant; 36774

(2) The individual's family income does not exceed ~~one~~ two 36775
hundred ~~fifty~~ per cent of the federal poverty guidelines; 36776

(3) The individual satisfies all relevant requirements 36777

established by rules adopted under division (D) of section 5111.01 36778
of the Revised Code. 36779

(B) If approved by the United States secretary of health and 36780
human services, the director of job and family services shall 36781
implement the medicaid plan amendment submitted under division (A) 36782
of this section as soon as possible after receipt of notice of the 36783
approval, but not sooner than January 1, ~~2000~~ 2008. 36784

Sec. 5111.016. (A) As used in this section, "healthcheck" has 36785
the same meaning as in section 3313.714 of the Revised Code. 36786

(B) ~~In accordance with federal law and regulations, the~~ The 36787
department of job and family services shall ~~establish~~ adopt rules 36788
in accordance with Chapter 119. of the Revised Code establishing a 36789
combination of written and oral methods designed to provide 36790
information about healthcheck to all persons eligible for the 36791
program or their parents or guardians. The department shall ensure 36792
that its methods of providing information are effective. The 36793
methods shall comply with federal law and regulations. 36794

Each county department of job and family services or other 36795
entity that distributes or accepts applications for medical 36796
assistance shall prominently display ~~in a conspicuous place the~~ 36797
~~following~~ notice: 36798

~~"Under state and federal law, if you are a Medicaid~~ 36799
~~recipient, your child is entitled to a thorough medical~~ 36800
~~examination provided through Healthcheck. Once this examination is~~ 36801
~~completed, your child is entitled to receive, at no cost to you,~~ 36802
~~any service determined to be medically necessary."~~ that complies 36803
with the rules adopted under this division. 36804

Sec. 5111.019. ~~(A)~~ The director of job and family services 36805
shall submit to the United States secretary of health and human 36806
services an amendment to the state medicaid plan to make an 36807

individual eligible for medicaid who meets all of the following 36808
requirements ~~eligible for medicaid for the amount of time provided~~ 36809
~~by division (B) of this section:~~ 36810

~~(1)(A)~~ The individual is the parent of a child under nineteen 36811
years of age and resides with the child; 36812

~~(2)(B)~~ The individual's family income does not exceed ~~ninety~~ 36813
one hundred per cent of the federal poverty guidelines; 36814

~~(3)(C)~~ The individual is not otherwise eligible for medicaid; 36815

~~(4)(D)~~ The individual satisfies all relevant requirements 36816
established by rules adopted under division (D) of section 5111.01 36817
of the Revised Code. 36818

~~(B) An individual is eligible to receive medicaid under this~~ 36819
~~section for a period that does not exceed two years beginning on~~ 36820
~~the date on which eligibility is established.~~ 36821

Sec. 5111.0112. (A) ~~Not later than July 1, 2006, the~~ The 36822
director of job and family services shall institute a ~~copayment~~ 36823
cost-sharing program under the medicaid program. ~~To the extent~~ 36824
~~permitted by federal law, the copayment~~ In instituting the 36825
cost-sharing program, the director shall comply with federal law. 36826
The cost-sharing program shall establish a copayment requirement 36827
for ~~only~~ at least dental services, vision services, nonemergency 36828
emergency department services, and prescription drugs, other than 36829
generic drugs. The cost-sharing program may establish requirements 36830
regarding premiums, enrollment fees, deductions, and similar 36831
charges. The director shall adopt rules under section 5111.02 of 36832
the Revised Code governing the copayment program. 36833

(B) The ~~copayment~~ cost-sharing program shall, to the extent 36834
permitted by federal law, provide for all of the following with 36835
regard to any providers participating in the medicaid program: 36836

(1) No provider shall refuse to provide a service to a 36837

medicaid recipient who is unable to pay a required copayment for 36838
the service. 36839

(2) Division (B)(1) of this section shall not be considered 36840
to do either of the following with regard to a medicaid recipient 36841
who is unable to pay a required copayment: 36842

(a) Relieve the medicaid recipient from the obligation to pay 36843
a copayment; 36844

(b) Prohibit the provider from attempting to collect an 36845
unpaid copayment. 36846

(3) Except as provided in division (C) of this section, no 36847
provider shall waive a medicaid recipient's obligation to pay the 36848
provider a copayment. 36849

(4) No provider or drug manufacturer, including the 36850
manufacturer's representative, employee, independent contractor, 36851
or agent, shall pay any copayment on behalf of a medicaid 36852
recipient. 36853

(5) If it is the routine business practice of the provider to 36854
refuse service to any individual who owes an outstanding debt to 36855
the provider, the provider may consider an unpaid copayment 36856
imposed by the ~~copayment~~ cost-sharing program as an outstanding 36857
debt and may refuse service to a medicaid recipient who owes the 36858
provider an outstanding debt. If the provider intends to refuse 36859
service to a medicaid recipient who owes the provider an 36860
outstanding debt, the provider shall notify the individual of the 36861
provider's intent to refuse services. 36862

(C) In the case of a provider that is a hospital, the 36863
~~copayment~~ cost-sharing program shall permit the hospital to take 36864
action to collect a copayment by providing, at the time services 36865
are rendered to a medicaid recipient, notice that a copayment may 36866
be owed. If the hospital provides the notice and chooses not to 36867
take any further action to pursue collection of the copayment, the 36868

prohibition against waiving copayments specified in division 36869
(B)(3) of this section does not apply. 36870

(D) The department of job and family services may work with a 36871
state agency that is administering, pursuant to a contract entered 36872
into under section 5111.91 of the Revised Code, one or more 36873
components of the medicaid program or one or more aspects of a 36874
component as necessary for the state agency to apply the 36875
cost-sharing program to the components or aspects of the medicaid 36876
program that the state agency administers. 36877

Sec. 5111.0119. (A) The director of job and family services 36878
may submit to the United States secretary of health and human 36879
services an amendment to the state medicaid plan to establish the 36880
medicaid buy-in program in accordance with 42 U.S.C. 36881
1396a(a)(10)(A)(ii)(XV) and (XVI). 36882

(B) The director of job and family services may adopt rules 36883
under section 5111.011 of the Revised Code to implement this 36884
section. 36885

Sec. 5111.023. (A) As used in this section: 36886

(1) "Community mental health facility" means a community 36887
mental health facility that has a quality assurance program 36888
accredited by the joint commission on accreditation of healthcare 36889
organizations or is certified by the department of mental health 36890
or department of job and family services. 36891

(2) "Mental health professional" means a person qualified to 36892
work with mentally ill persons under the standards established by 36893
the director of mental health pursuant to section 5119.611 of the 36894
Revised Code. 36895

(B) The state medicaid plan shall include provision of the 36896
following mental health services when provided by community mental 36897
health facilities: 36898

(1) Outpatient mental health services, including, but not limited to, preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, monitored, and reviewed;

(2) Partial-hospitalization mental health services ~~of three to fourteen hours per service day~~, rendered by persons directly supervised by a mental health professional;

(3) Unscheduled, emergency mental health services of a kind ordinarily provided to persons in crisis when rendered by persons supervised by a mental health professional;

(4) Subject to receipt of federal approval, assertive community treatment and intensive home-based mental health services.

(C) The comprehensive annual plan shall certify the availability of sufficient unencumbered community mental health state subsidy and local funds to match federal medicaid reimbursement funds earned by community mental health facilities.

(D) The department of job and family services shall enter into a separate contract with the department of mental health under section 5111.91 of the Revised Code with regard to the component of the medicaid program provided for by this section.

(E) Not later than July 21, 2006, the department of job and family services shall request federal approval to provide assertive community treatment and intensive home-based mental health services under medicaid pursuant to this section.

(F) On receipt of federal approval sought under division (E) of this section, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code for assertive community treatment and intensive home-based mental

health services provided under medicaid pursuant to this section. 36930
The director shall consult with the department of mental health in 36931
adopting the rules. 36932

Sec. 5111.028. (A) Pursuant to section 5111.02 of the Revised 36933
Code, the director of job and family services may adopt rules 36934
establishing the use of time-limited provider agreements under the 36935
medicaid program. The use of time-limited provider agreements 36936
shall include a process for re-enrollment of providers. 36937

(B) All of the following apply in any use of time-limited 36938
provider agreements under the medicaid program: 36939

(1) The department of job and family services may convert a 36940
provider agreement without a time limit to a provider agreement 36941
that is time-limited. 36942

(2) The department may terminate a time-limited provider 36943
agreement or deny re-enrollment when a provider fails to file an 36944
application for re-enrollment within the time and in the manner 36945
required under the re-enrollment process. 36946

(3) If a provider files an application for re-enrollment 36947
within the time and in the manner required under the re-enrollment 36948
process, but the provider agreement expires before the department 36949
acts on the application or before the effective date of the 36950
department's decision on the application, the provider may 36951
continue operating under the terms of the expired provider 36952
agreement until the effective date of the department's decision. 36953

(4) A decision by the department to approve an application 36954
for re-enrollment becomes effective on the date of the 36955
department's decision. A decision by the department to deny 36956
re-enrollment shall take effect not sooner than thirty days after 36957
the date the department mails written notice of the decision to 36958
the provider. The department shall specify in the notice the date 36959

on which the provider is required to cease operating under the 36960
provider agreement. 36961

(C) Pursuant to section 5111.06 of the Revised Code, the 36962
department is not required to take the actions specified in 36963
divisions (B)(1) and (2) of this section by issuing an order 36964
pursuant to an adjudication conducted in accordance with Chapter 36965
119. of the Revised Code. 36966

Sec. 5111.03. (A) No provider of services or goods 36967
contracting with the department of job and family services 36968
pursuant to the medicaid program shall, by deception, obtain or 36969
attempt to obtain payments under this chapter to which the 36970
provider is not entitled pursuant to the provider agreement, or 36971
the rules of the federal government or the department of job and 36972
family services relating to the program. No provider shall 36973
willfully receive payments to which the provider is not entitled, 36974
or willfully receive payments in a greater amount than that to 36975
which the provider is entitled; nor shall any provider falsify any 36976
report or document required by state or federal law, rule, or 36977
provider agreement relating to medicaid payments. As used in this 36978
section, a provider engages in "deception" when the provider, 36979
acting with actual knowledge of the representation or information 36980
involved, acting in deliberate ignorance of the truth or falsity 36981
of the representation or information involved, or acting in 36982
reckless disregard of the truth or falsity of the representation 36983
or information involved, deceives another or causes another to be 36984
deceived by any false or misleading representation, by withholding 36985
information, by preventing another from acquiring information, or 36986
by any other conduct, act, or omission that creates, confirms, or 36987
perpetuates a false impression in another, including a false 36988
impression as to law, value, state of mind, or other objective or 36989
subjective fact. No proof of specific intent to defraud is 36990
required to show, for purposes of this section, that a provider 36991

has engaged in deception. 36992

(B) Any provider who violates division (A) of this section 36993
shall be liable, in addition to any other penalties provided by 36994
law, for all of the following civil penalties: 36995

(1) Payment of interest on the amount of the excess payments 36996
at the maximum interest rate allowable for real estate mortgages 36997
under section 1343.01 of the Revised Code on the date the payment 36998
was made to the provider for the period from the date upon which 36999
payment was made, to the date upon which repayment is made to the 37000
state; 37001

(2) Payment of an amount equal to three times the amount of 37002
any excess payments; 37003

(3) Payment of a sum of not less than five thousand dollars 37004
and not more than ten thousand dollars for each deceptive claim or 37005
falsification; 37006

(4) All reasonable expenses which the court determines have 37007
been necessarily incurred by the state in the enforcement of this 37008
section. 37009

(C) As used in this division, "intermediate care facility for 37010
the mentally retarded" and "nursing facility" have the same 37011
meanings given in section 5111.20 of the Revised Code. 37012

In addition to the civil penalties provided in division (B) 37013
of this section, the director of job and family services, upon the 37014
conviction of, or the entry of a judgment in either a criminal or 37015
civil action against, a medicaid provider or its owner, officer, 37016
authorized agent, associate, manager, or employee in an action 37017
brought pursuant to section 109.85 of the Revised Code, shall 37018
terminate the provider agreement between the department and the 37019
provider and stop reimbursement to the provider for services 37020
rendered ~~for a period of up to five years~~ from the date of 37021
conviction or entry of judgment. As used in this ~~chapter~~ division, 37022

"owner" means any person having at least five per cent ownership 37023
in the medicaid provider. No such provider, owner, officer, 37024
authorized agent, associate, manager, or employee shall own or 37025
provide services to any other medicaid provider or risk contractor 37026
or arrange for, render, or order services for medicaid recipients 37027
~~during the period of termination as provided in division (C) of~~ 37028
~~this section, nor, during the period of termination as provided in~~ 37029
~~division (C) of this section,~~ shall such provider, owner, officer, 37030
authorized agent, associate, manager, or employee receive 37031
reimbursement in the form of direct payments from the department 37032
or indirect payments of medicaid funds in the form of salary, 37033
shared fees, contracts, kickbacks, or rebates from or through any 37034
participating provider or risk contractor. The provider agreement 37035
shall not be terminated or reimbursement terminated if the 37036
provider or owner can demonstrate that the provider or owner did 37037
not directly or indirectly sanction the action of its authorized 37038
agent, associate, manager, or employee that resulted in the 37039
conviction or entry of a judgment in a criminal or civil action 37040
brought pursuant to section 109.85 of the Revised Code. Nothing in 37041
this division prohibits any owner, officer, authorized agent, 37042
associate, manager, or employee of a medicaid provider from 37043
entering into a medicaid provider agreement if the person can 37044
demonstrate that the person had no knowledge of an action of the 37045
medicaid provider the person was formerly associated with that 37046
resulted in the conviction or entry of a judgment in a criminal or 37047
civil action brought pursuant to section 109.85 of the Revised 37048
Code. 37049

Nursing facility or intermediate care facility for the 37050
mentally retarded providers whose agreements are terminated 37051
pursuant to this section may continue to receive reimbursement for 37052
up to thirty days after the effective date of the termination if 37053
the provider makes reasonable efforts to transfer recipients to 37054
another facility or to alternate care and if federal funds are 37055

provided for such reimbursement. 37056

(D) For any reason permitted or required by federal law, the 37057
director of job and family services may deny a provider agreement 37058
or terminate a provider agreement. 37059

For any reason permitted or required by federal law, the 37060
director may exclude an individual, provider of services or goods, 37061
or other entity from participation in the medicaid program. No 37062
individual, provider, or entity excluded under this division shall 37063
own or provide services to any other medicaid provider or risk 37064
contractor or arrange for, render, or order services for medicaid 37065
recipients during the period of exclusion, nor, during the period 37066
of exclusion, shall such individual, provider, or entity receive 37067
reimbursement in the form of direct payments from the department 37068
or indirect payments of medicaid funds in the form of salary, 37069
shared fees, contracts, kickbacks, or rebates from or through any 37070
participating provider or risk contractor. An excluded individual, 37071
provider, or entity may request a reconsideration of the 37072
exclusion. The director shall adopt rules in accordance with 37073
Chapter 119. of the Revised Code governing the process for 37074
requesting a reconsideration. 37075

Nothing in this division limits the applicability of section 37076
5111.06 of the Revised Code to a medicaid provider. 37077

(E) Any provider of services or goods contracting with the 37078
department of job and family services pursuant to Title XIX of the 37079
"Social Security Act," who, without intent, obtains payments under 37080
this chapter in excess of the amount to which the provider is 37081
entitled, thereby becomes liable for payment of interest on the 37082
amount of the excess payments at the maximum real estate mortgage 37083
rate on the date the payment was made to the provider for the 37084
period from the date upon which payment was made to the date upon 37085
which repayment is made to the state. 37086

~~(E)~~(F) The attorney general on behalf of the state may 37087
commence proceedings to enforce this section in any court of 37088
competent jurisdiction; and the attorney general may settle or 37089
compromise any case brought under this section with the approval 37090
of the department of job and family services. Notwithstanding any 37091
other provision of law providing a shorter period of limitations, 37092
the attorney general may commence a proceeding to enforce this 37093
section at any time within six years after the conduct in 37094
violation of this section terminates. 37095

~~(F)~~(G) The authority, under state and federal law, of the 37096
department of job and family services or a county department of 37097
job and family services to recover excess payments made to a 37098
provider is not limited by the availability of remedies under 37099
sections 5111.11 and 5111.12 of the Revised Code for recovering 37100
benefits paid on behalf of recipients of medical assistance. 37101

The penalties under this chapter apply to any overpayment, 37102
billing, or falsification occurring on and after April 24, 1978. 37103
All moneys collected by the state pursuant to this section shall 37104
be deposited in the state treasury to the credit of the general 37105
revenue fund. 37106

Sec. 5111.031. (A) As used in this section: 37107

(1) "Independent provider" has the same meaning as in section 37108
5111.034 of the Revised Code. 37109

(2) "Intermediate care facility for the mentally retarded" 37110
and "nursing facility" have the same meanings as in section 37111
5111.20 of the Revised Code. 37112

(3) "Noninstitutional medicaid provider" means any person or 37113
entity with a medicaid provider agreement other than a hospital, 37114
nursing facility, or intermediate care facility for the mentally 37115
retarded. 37116

(4) "Owner" means any person having at least five per cent ownership in a noninstitutional medicaid provider. 37117
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(B) Notwithstanding any provision of this chapter to the contrary, the department of job and family services shall take action under this section against a noninstitutional medicaid provider or its owner, officer, authorized agent, associate, manager, or employee. 37119
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(C) Except as provided in division (D) of this section and in rules adopted by the department under division (H) of this section, on receiving notice and a copy of an indictment that is issued on or after the effective date of this section and charges a noninstitutional medicaid provider or its owner, officer, authorized agent, associate, manager, or employee with committing an offense specified in division (E) of this section, the department shall suspend the provider agreement held by the noninstitutional medicaid provider. Subject to division (D) of this section, the department shall also terminate medicaid reimbursement to the provider for services rendered. 37124
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The suspension shall continue in effect until the proceedings in the criminal case are completed through conviction, dismissal of the indictment, plea, or finding of not guilty. If the department commences a process to terminate the suspended provider agreement, the suspension shall continue in effect until the termination process is concluded. Pursuant to section 5111.06 of the Revised Code, the department is not required to take action under this division by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code. 37135
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When subject to a suspension under this division, a provider, owner, officer, authorized agent, associate, manager, or employee shall not own or provide services to any other medicaid provider or risk contractor or arrange for, render, or order services for 37145
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medicaid recipients during the period of suspension. During the 37149
period of suspension, the provider, owner, officer, authorized 37150
agent, associate, manager, or employee shall not receive 37151
reimbursement in the form of direct payments from the department 37152
or indirect payments of medicaid funds in the form of salary, 37153
shared fees, contracts, kickbacks, or rebates from or through any 37154
participating provider or risk contractor. 37155

(D)(1) The department shall not suspend a provider agreement 37156
or terminate medicaid reimbursement under division (C) of this 37157
section if the provider or owner can demonstrate that the provider 37158
or owner did not directly or indirectly sanction the action of its 37159
authorized agent, associate, manager, or employee that resulted in 37160
the indictment. 37161

(2) The termination of medicaid reimbursement applies only to 37162
payments for medicaid services rendered subsequent to the date on 37163
which the notice required under division (F) of this section is 37164
sent. Claims for reimbursement for medicaid services rendered by 37165
the provider prior to the issuance of the notice may be subject to 37166
prepayment review procedures whereby the department reviews claims 37167
to determine whether they are supported by sufficient 37168
documentation, are in compliance with state and federal statutes 37169
and rules, and are otherwise complete. 37170

(E)(1) In the case of a noninstitutional medicaid provider 37171
that is not an independent provider, the suspension of a provider 37172
agreement under division (C) of this section applies when an 37173
indictment charges a person with committing an act that would be a 37174
felony or misdemeanor under the laws of this state and the act 37175
relates to or results from either of the following: 37176

(a) Furnishing or billing for medical care, services, or 37177
supplies under the medicaid program; 37178

(b) Participating in the performance of management or 37179

administrative services relating to furnishing medical care, 37180
services, or supplies under the medicaid program. 37181

(2) In the case of a noninstitutional medicaid provider that 37182
is an independent provider, the suspension of a provider agreement 37183
under division (C) of this section applies when an indictment 37184
charges a person with committing an act that would constitute one 37185
of the offenses specified in division (D) of section 5111.034 of 37186
the Revised Code. 37187

(F) Not later than five days after suspending a provider 37188
agreement under division (C) of this section, the department shall 37189
send notice of the suspension to the affected provider or owner. 37190
In providing the notice, the department shall do all of the 37191
following: 37192

(1) Describe the indictment that was the cause of the 37193
suspension, without necessarily disclosing specific information 37194
concerning any ongoing civil or criminal investigation; 37195

(2) State that the suspension will continue in effect until 37196
the proceedings in the criminal case are completed through 37197
conviction, dismissal of the indictment, plea, or finding of not 37198
guilty and, if the department commences a process to terminate the 37199
suspended provider agreement, until the termination process is 37200
concluded; 37201

(3) Inform the provider or owner of the opportunity to submit 37202
to the department, not later than thirty days after receiving the 37203
notice, a request for a reconsideration pursuant to division (G) 37204
of this section. 37205

(G)(1) A noninstitutional medicaid provider or owner subject 37206
to a suspension under this section may request a reconsideration. 37207
The request shall be made not later than thirty days after receipt 37208
of the notice provided under division (F) of this section. The 37209
reconsideration is not subject to an adjudication hearing pursuant 37210

to Chapter 119. of the Revised Code. 37211

(2) In requesting a reconsideration, the provider or owner 37212
shall submit written information and documents to the department. 37213
The information and documents may pertain to any of the following 37214
issues: 37215

(a) Whether the determination to suspend the provider 37216
agreement was based on a mistake of fact, other than the validity 37217
of the indictment; 37218

(b) Whether any offense charged in the indictment resulted 37219
from an offense specified in division (E) of this section; 37220

(c) Whether the provider or owner can demonstrate that the 37221
provider or owner did not directly or indirectly sanction the 37222
action of its authorized agent, associate, manager, or employee 37223
that resulted in the indictment. 37224

(3) The department shall review the information and documents 37225
submitted in a request for reconsideration. After the review, the 37226
suspension may be affirmed, reversed, or modified, in whole or in 37227
part. The department shall notify the affected provider or owner 37228
of the results of the review. The review and notification of its 37229
results shall be completed not later than forty-five days after 37230
receiving the information and documents submitted in a request for 37231
reconsideration. 37232

(H) The department may adopt rules in accordance with Chapter 37233
119. of the Revised Code to implement this section. The rules may 37234
specify circumstances under which the department would not suspend 37235
a provider agreement pursuant to this section. 37236

Sec. 5111.032. (A) As used in this section: 37237

(1) "Criminal records check" has the same meaning as in 37238
section 109.572 of the Revised Code. 37239

(2) "Department" includes a designee of the department of job 37240

and family services. 37241

(3) "Owner" means a person who has an ownership interest in a provider in an amount designated by the department of job and family services in rules adopted under this section. 37242
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(4) "Provider" means a person, institution, or entity that has a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 State. 620 (1965), 42 U.S.C. 1396, as amended. 37245
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(B)(1) Except as provided in division (B)(2) of this section, the department of job and family services may require that any provider, applicant to be a provider, employee or prospective employee of a provider, owner or prospective owner of a provider, officer or prospective officer of a provider, or board member or prospective board member of a provider submit to a criminal records check as a condition of obtaining a provider agreement, continuing to hold a provider agreement, being employed by a provider, having an ownership interest in a provider, or being an officer or board member of a provider. The department may designate the categories of persons who are subject to the criminal records check requirement. The department shall designate the times at which the criminal records checks must be conducted. 37249
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(2) The section does not apply to providers, applicants to be providers, employees of a provider, or prospective employees of a provider who are subject to criminal records checks under section 5111.033 or 5111.034 of the Revised Code. 37262
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(C)(1) The department shall inform each provider or applicant to be a provider whether the provider or applicant is subject to a criminal records check requirement under division (B) of this section. For providers, the information shall be given at times designated in rules adopted under this section. For applicants to be providers, the information shall be given at the time of 37266
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initial application. When the information is given, the department 37272
shall specify which of the provider's or applicant's employees or 37273
prospective employees, owners or prospective owners, officers or 37274
prospective officers, or board members or prospective board 37275
members are subject to the criminal records check requirement. 37276

(2) At times designated in rules adopted under this section, 37277
a provider that is subject to the criminal records check 37278
requirement shall inform each person specified by the department 37279
under division (C)(1) of this section that the person is required, 37280
as applicable, to submit to a criminal records check for final 37281
consideration for employment in a full-time, part-time, or 37282
temporary position; as a condition of continued employment; or as 37283
a condition of becoming or continuing to be an officer, board 37284
member or owner of a provider. 37285

(D)(1) If a provider or applicant to be a provider is subject 37286
to a criminal records check under this section, the department 37287
shall require the conduct of a criminal records check by the 37288
superintendent of the bureau of criminal identification and 37289
investigation. If a provider or applicant to be a provider for 37290
whom a criminal records check is required does not present proof 37291
of having been a resident of this state for the five-year period 37292
immediately prior to the date the criminal records check is 37293
requested or provide evidence that within that five-year period 37294
the superintendent has requested information about the individual 37295
from the federal bureau of investigation in a criminal records 37296
check, the department shall require the provider or applicant to 37297
request that the superintendent obtain information from the 37298
federal bureau of investigation as part of the criminal records 37299
check of the provider or applicant. Even if a provider or 37300
applicant for whom a criminal records check request is required 37301
presents proof of having been a resident of this state for the 37302
five-year period, the department may require that the provider or 37303

applicant request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the provider or applicant. 37304
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(2) A provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified by the department under division (C)(1) of this section. If the person for whom a criminal records check is required does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the individual from the federal bureau of investigation in a criminal records check, the individual shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the individual. Even if an individual for whom a criminal records check request is required presents proof of having been a resident of this state for the five-year period, the department may require the provider to request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the person. 37307
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(E)(1) Criminal records checks required under this section for providers or applicants to be providers shall be obtained as follows: 37326
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(a) The department shall provide each provider or applicant information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section. 37329
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(b) The provider or applicant shall submit the required form and one complete set of fingerprint impressions directly to the 37334
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superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The applicant or provider shall pay all fees associated with obtaining the criminal records check. 37336
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(c) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The provider or applicant shall instruct the superintendent to submit the report of the criminal records check directly to the director of job and family services. 37341
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(2) Criminal records checks required under this section for persons specified by the department under division (C)(1) of this section shall be obtained as follows: 37346
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(a) The provider shall give to each person subject to criminal records check requirement information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section. 37349
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(b) The person shall submit the required form and one complete set of fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check. 37355
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(c) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check shall instruct the superintendent to submit the report of the criminal records check directly to the provider. The department may require the provider to submit the report to the department. 37361
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(F) If a provider or applicant to be a provider is given the information specified in division (E)(1)(a) of this section but fails to obtain a criminal records check, the department shall, as applicable, terminate the provider agreement or deny the application to be a provider. 37367
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If a person is given the information specified in division (E)(2)(a) of this section but fails to obtain a criminal records check, the provider shall not, as applicable, permit the person to be an employee, owner, officer, or board member of the provider. 37372
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(G) Except as provided in rules adopted under division (J) of this section, the department shall terminate the provider agreement of a provider or the department shall not issue a provider agreement to an applicant if the provider or applicant is subject to a criminal records check under this section and the provider or applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following: 37376
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(1) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the 37384
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Revised Code that would have been a violation of section 2905.04 37399
of the Revised Code as it existed prior to July 1, 1996, had the 37400
violation been committed prior to that date; 37401

(2) An existing or former law of this state, any other state, 37402
or the United States that is substantially equivalent to any of 37403
the offenses listed in division (D)(1) of this section. 37404

(H)(1)(a) Except as provided in rules adopted under division 37405
(J) of this section and subject to division (H)(2) of this 37406
section, no provider shall permit a person to be an employee, 37407
owner, officer, or board member of the provider if the person is 37408
subject to a criminal records check under this section and the 37409
person has been convicted of, has pleaded guilty to, or has been 37410
found eligible for intervention in lieu of conviction for any of 37411
the offenses specified in division (G)(1) or (2) of this section. 37412

(b) No provider shall employ a person who has been excluded 37413
from participating in the medicaid program, the medicare program 37414
operated pursuant to Title XVIII of the "Social Security Act," or 37415
any other federal health care program. 37416

(2)(a) A provider may employ conditionally a person for whom 37417
a criminal records check is required under this section prior to 37418
obtaining the results of a criminal records check regarding the 37419
person, but only if the person submits a request for a criminal 37420
records check not later than five business days after the 37421
individual begins conditional employment. 37422

(b) A provider that employs a person conditionally under 37423
authority of division (H)(2)(a) of this section shall terminate 37424
the person's employment if the results of the criminal records 37425
check request are not obtained within the period ending sixty days 37426
after the date the request is made. Regardless of when the results 37427
of the criminal records check are obtained, if the results 37428
indicate that the individual has been convicted of, has pleaded 37429

guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section, the provider shall terminate the person's employment unless the provider chooses to employ the individual pursuant to division (J) of this section. 37430
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(I) The report of a criminal records check conducted pursuant to this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 37435
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(1) The person who is the subject of the criminal records check or the person's representative; 37439
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(2) The director of job and family services and the staff of the department in the administration of the medicaid program; 37441
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(3) A court, hearing officer, or other necessary individual involved in a case dealing with the denial or termination of a provider agreement; 37443
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(4) A court, hearing officer, or other necessary individual involved in a case dealing with a person's denial of employment, termination of employment, or employment or unemployment benefits. 37446
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(J) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules may specify circumstances under which the department may continue a provider agreement or issue a provider agreement to an applicant when the provider or applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section. The rules may also specify circumstances under which a provider may permit a person to be an employee, owner, officer, or board member of the provider, when the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the 37449
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offenses specified in division (G)(1) or (2) of this section. 37461

Sec. ~~5111.95~~ 5111.033. (A) As used in this section: 37462

(1) "Applicant" means a person who is under final 37463
consideration for employment or, after ~~the effective date of this~~ 37464
~~section~~ September 26, 2003, an existing employee with a waiver 37465
agency in a full-time, part-time, or temporary position that 37466
involves providing home and community-based waiver services to a 37467
person with disabilities. "Applicant" also means an existing 37468
employee with a waiver agency in a full-time, part-time, or 37469
temporary position that involves providing home and 37470
community-based waiver services to a person with disabilities 37471
after ~~the effective date of this section~~ September 26, 2003. 37472

(2) "Criminal records check" has the same meaning as in 37473
section 109.572 of the Revised Code. 37474

(3) "Waiver agency" means a person or government entity that 37475
is not certified under the medicare program and is accredited by 37476
the community health accreditation program or the joint commission 37477
on accreditation of health care organizations or a company that 37478
provides home and community-based waiver services to persons with 37479
disabilities through department of job and family services 37480
administered home and community-based waiver programs. 37481

(4) "Home and community-based waiver services" means services 37482
furnished under the provision of 42 C.F.R. 441, subpart G, that 37483
permit individuals to live in a home setting rather than a nursing 37484
facility or hospital. Home and community-based waiver services are 37485
approved by the centers for medicare and medicaid for specific 37486
populations and are not otherwise available under the medicaid 37487
state plan. 37488

(B)(1) The chief administrator of a waiver agency shall 37489
require each applicant to request that the superintendent of the 37490

bureau of criminal identification and investigation conduct a 37491
criminal records check with respect to each the applicant. If an 37492
applicant for whom a criminal records check request is required 37493
under this division does not present proof of having been a 37494
resident of this state for the five-year period immediately prior 37495
to the date the criminal records check is requested or provide 37496
evidence that within that five-year period the superintendent has 37497
requested information about the applicant from the federal bureau 37498
of investigation in a criminal records check, the chief 37499
administrator shall require the applicant to request that the 37500
superintendent obtain information from the federal bureau of 37501
investigation as part of the criminal records check of the 37502
applicant. Even if an applicant for whom a criminal records check 37503
request is required under this division presents proof of having 37504
been a resident of this state for the five-year period, the chief 37505
administrator may require the applicant to request that the 37506
superintendent include information from the federal bureau of 37507
investigation in the criminal records check. 37508

~~(2) A person required by division (B)(1) of this section to~~ 37509
~~request a criminal records check~~ The chief administrator shall ~~do~~ 37510
~~both of~~ provide the following: 37511

~~(a) Provide~~ to each applicant for whom a criminal records 37512
check request is required under division (B)(1) of this section a 37513
~~copy of:~~ 37514

(a) Information about accessing, completing, and forwarding 37515
to the superintendent of the bureau of criminal identification and 37516
investigation the form prescribed pursuant to division (C)(1) of 37517
section 109.572 of the Revised Code and a the standard fingerprint 37518
impression sheet prescribed pursuant to division (C)(2) of that 37519
section, ~~and obtain the completed form and impression sheet from~~ 37520
~~the applicant;~~ 37521

~~(b) Forward the completed form and impression sheet to the~~ 37522

~~superintendent of the bureau of criminal identification and~~ 37523
~~investigation~~ Written notification that the applicant is to 37524
instruct the superintendent to submit the completed report of the 37525
criminal records check directly to the chief administrator. 37526

(3) An applicant ~~provided the form and fingerprint impression~~ 37527
~~sheet under division (B)(2)(a) of this section who fails to~~ 37528
~~complete the form or provide fingerprint impressions~~ given 37529
information and notification under divisions (B)(2)(a) and (b) of 37530
this section who fails to access, complete, and forward to the 37531
superintendent the form or the standard fingerprint impression 37532
sheet, or who fails to instruct the superintendent to submit the 37533
completed report of the criminal records check directly to the 37534
chief administrator, shall not be employed in any position in a 37535
waiver agency for which a criminal records check is required by 37536
this section. 37537

(C)(1) Except as provided in rules adopted by the department 37538
of job and family services in accordance with division (F) of this 37539
section and subject to division (C)(2) of this section, no waiver 37540
agency shall employ a person in a position that involves providing 37541
home and community-based waiver services to persons with 37542
disabilities if the person has been convicted of ~~or~~, has pleaded 37543
guilty to, or has been found eligible for intervention in lieu of 37544
conviction for any of the following: 37545

(a) A violation of section 2903.01, 2903.02, 2903.03, 37546
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 37547
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 37548
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 37549
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 37550
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 37551
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 37552
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 37553
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 37554

2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 37555
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 37556
3716.11 of the Revised Code, felonious sexual penetration in 37557
violation of former section 2907.12 of the Revised Code, a 37558
violation of section 2905.04 of the Revised Code as it existed 37559
prior to July 1, 1996, a violation of section 2919.23 of the 37560
Revised Code that would have been a violation of section 2905.04 37561
of the Revised Code as it existed prior to July 1, 1996, had the 37562
violation been committed prior to that date; 37563

(b) An existing or former law of this state, any other state, 37564
or the United States that is substantially equivalent to any of 37565
the offenses listed in division (C)(1)(a) of this section. 37566

(2)(a) A waiver agency may employ conditionally an applicant 37567
for whom a criminal records check request is required under 37568
division (B) of this section prior to obtaining the results of a 37569
criminal records check regarding the individual, provided that the 37570
agency shall require the individual to request a criminal records 37571
check regarding the individual in accordance with division (B)(1) 37572
of this section not later than five business days after the 37573
individual begins conditional employment. 37574

(b) A waiver agency that employs an individual conditionally 37575
under authority of division (C)(2)(a) of this section shall 37576
terminate the individual's employment if the results of the 37577
criminal records check request under division (B) of this section, 37578
other than the results of any request for information from the 37579
federal bureau of investigation, are not obtained within the 37580
period ending sixty days after the date the request is made. 37581
Regardless of when the results of the criminal records check are 37582
obtained, if the results indicate that the individual has been 37583
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 37584
for intervention in lieu of conviction for any of the offenses 37585
listed or described in division (C)(1) of this section, the agency 37586

shall terminate the individual's employment unless the agency 37587
chooses to employ the individual pursuant to division (F) of this 37588
section. 37589

(D)(1) ~~Each waiver agency shall pay to the bureau of criminal~~ 37590
~~identification and investigation the~~ The fee prescribed pursuant 37591
to division (C)(3) of section 109.572 of the Revised Code for each 37592
criminal records check conducted pursuant to a request made under 37593
division (B) of this section shall be paid to the bureau of 37594
criminal identification and investigation by the applicant or the 37595
waiver agency. 37596

(2) ~~A~~ If a waiver agency pays the fee, it may charge ~~an~~ the 37597
applicant a fee not exceeding the amount the agency pays under 37598
division (D)(1) of this section. An agency may collect a fee only 37599
if the agency notifies the person at the time of initial 37600
application for employment of the amount of the fee and that, 37601
unless the fee is paid, the person will not be considered for 37602
employment. 37603

(E) The report of any criminal records check conducted 37604
pursuant to a request made under this section is not a public 37605
record for the purposes of section 149.43 of the Revised Code and 37606
shall not be made available to any person other than the 37607
following: 37608

(1) The individual who is the subject of the criminal records 37609
check or the individual's representative; 37610

(2) The chief administrator of the agency requesting the 37611
criminal records check or the administrator's representative; 37612

(3) An administrator at the department; 37613

(4) A court, hearing officer, or other necessary individual 37614
involved in a case dealing with a denial of employment of the 37615
applicant or dealing with employment or unemployment benefits of 37616
the applicant. 37617

(F) The department shall adopt rules in accordance with 37618
Chapter 119. of the Revised Code to implement this section. The 37619
rules shall specify circumstances under which a waiver agency may 37620
employ a person who has been convicted of ~~or~~, has pleaded guilty 37621
to, or has been found eligible for intervention in lieu of 37622
conviction for an offense listed or described in division (C)(1) 37623
of this section ~~but meets personal character standards set by the~~ 37624
~~department.~~ 37625

(G) The chief administrator of a waiver agency shall inform 37626
each person, at the time of initial application for a position 37627
that involves providing home and community-based waiver services 37628
to a person with a disability, that the person is required to 37629
provide a set of fingerprint impressions and that a criminal 37630
records check is required to be conducted if the person comes 37631
under final consideration for employment. 37632

(H)(1) A person who, on ~~the effective date of this section~~ 37633
September 26, 2003, is an employee of a waiver agency in a 37634
full-time, part-time, or temporary position that involves 37635
providing home and community-based waiver services to a person 37636
with disabilities shall comply with this section within sixty days 37637
after ~~the effective date of this section~~ September 26, 2003, 37638
unless division (H)(2) of this section applies. 37639

(2) This section shall not apply to a person to whom all of 37640
the following apply: 37641

(a) On ~~the effective date of this section~~ September 26, 2003, 37642
the person is an employee of a waiver agency in a full-time, 37643
part-time, or temporary position that involves providing home and 37644
community-based waiver services to a person with disabilities. 37645

(b) The person previously had been the subject of a criminal 37646
background check relating to that position; 37647

(c) The person has been continuously employed in that 37648

position since that criminal background check had been conducted. 37649

Sec. ~~5111.96~~ 5111.034. (A) As used in this section: 37650

(1) "Anniversary date" means the later of the effective date 37651
of the provider agreement relating to the independent provider or 37652
sixty days after ~~the effective date of this section~~ September 26, 37653
2003. 37654

(2) "Criminal records check" has the same meaning as in 37655
section 109.572 of the Revised Code. 37656

(3) "~~The department~~ Department" ~~means~~ includes a designee of 37657
the department of job and family services ~~or its designee~~. 37658

(4) "Independent provider" means a person who is submitting 37659
an application for a provider agreement or who has a provider 37660
agreement as an independent provider in a department of job and 37661
family services administered home and community-based services 37662
program providing home and community-based waiver services to 37663
consumers with disabilities. 37664

(5) "Home and community-based waiver services" has the same 37665
meaning as in section ~~5111.95~~ 5111.033 of the Revised Code. 37666

(B)(1) The department of job and family services shall inform 37667
each independent provider, at the time of initial application for 37668
a provider agreement that involves providing home and 37669
community-based waiver services to consumers with disabilities, 37670
that the independent provider is required to provide a set of 37671
fingerprint impressions and that a criminal records check is 37672
required to be conducted if the person is to become an independent 37673
provider in a department administered home and community-based 37674
waiver program. 37675

(2) Beginning on ~~the effective date of this section~~ September 37676
26, 2003, the department shall inform each enrolled medicaid 37677
independent provider on or before time of the anniversary date of 37678

the provider agreement that involves providing home and 37679
community-based waiver services to consumers with disabilities 37680
that the independent provider is required to provide a set of 37681
fingerprint impressions and that a criminal records check is 37682
required to be conducted. 37683

(C)(1) The department shall require the independent provider 37684
to complete a criminal records check prior to entering into a 37685
provider agreement with the independent provider and at least 37686
annually thereafter. If an independent provider for whom a 37687
criminal records check is required under this division does not 37688
present proof of having been a resident of this state for the 37689
five-year period immediately prior to the date the criminal 37690
records check is requested or provide evidence that within that 37691
five-year period the superintendent of the bureau of criminal 37692
identification and investigation has requested information about 37693
the ~~applicant~~ independent provider from the federal bureau of 37694
investigation in a criminal records check, the department shall 37695
request that the independent provider obtain through the 37696
superintendent a criminal records request from the federal bureau 37697
of investigation as part of the criminal records check of the 37698
independent provider. Even if an independent provider for whom a 37699
criminal records check request is required under this division 37700
presents proof of having been a resident of this state for the 37701
five-year period, the department may request that the independent 37702
provider obtain information through the superintendent from the 37703
federal bureau of investigation in the criminal records check. 37704

(2) The department shall ~~do both of~~ provide the following+ 37705

~~(a) Provide information~~ to each independent provider for whom 37706
a criminal records check request is required under division (C)(1) 37707
of this section ~~about requesting a copy of:~~ 37708

(a) Information about accessing, completing, and forwarding 37709
to the superintendent of the bureau of criminal identification and 37710

investigation the form prescribed pursuant to division (C)(1) of 37711
section 109.572 of the Revised Code and a the standard fingerprint 37712
impression sheet prescribed pursuant to division (C)(2) of that 37713
section, ~~and obtain the completed form and impression sheet and~~ 37714
~~fee from the independent provider;~~ 37715

(b) ~~Forward the completed form, impression sheet, and fee to~~ 37716
~~the superintendent of the bureau of criminal identification and~~ 37717
~~investigation~~ Written notification that the independent provider 37718
is to instruct the superintendent to submit the completed report 37719
of the criminal records check directly to the department. 37720

(3) An independent provider given information ~~about obtaining~~ 37721
~~the form and fingerprint impression sheet under division (C)(2)(a)~~ 37722
~~of this section who fails to complete the form or provide~~ 37723
~~fingerprint impressions~~ and notification under divisions (C)(2)(a) 37724
and (b) of this section who fails to access, complete, and forward 37725
to the superintendent the form or the standard fingerprint 37726
impression sheet, or who fails to instruct the superintendent to 37727
submit the completed report of the criminal records check directly 37728
to the department, shall not be approved as an independent 37729
provider. 37730

(D) Except as provided in rules adopted by the department in 37731
accordance with division (G) of this section, the department shall 37732
not issue a new provider agreement to, and shall terminate an 37733
existing provider agreement of, an independent provider if the 37734
person has been convicted of ~~or~~, has pleaded guilty to, or has 37735
been found eligible for intervention in lieu of conviction for any 37736
of the following: 37737

(1) A violation of section 2903.01, 2903.02, 2903.03, 37738
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 37739
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 37740
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 37741
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 37742

2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 37743
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 37744
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 37745
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 37746
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 37747
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 37748
3716.11 of the Revised Code, felonious sexual penetration in 37749
violation of former section 2907.12 of the Revised Code, a 37750
violation of section 2905.04 of the Revised Code as it existed 37751
prior to July 1, 1996, a violation of section 2919.23 of the 37752
Revised Code that would have been a violation of section 2905.04 37753
of the Revised Code as it existed prior to July 1, 1996, had the 37754
violation been committed prior to that date; 37755

(2) An existing or former law of this state, any other state, 37756
or the United States that is substantially equivalent to any of 37757
the offenses listed in division (D)(1) of this section. 37758

(E) Each independent provider shall pay to the bureau of 37759
criminal identification and investigation the fee prescribed 37760
pursuant to division (C)(3) of section 109.572 of the Revised Code 37761
for each criminal records check conducted pursuant to a request 37762
made under division (C) of this section. 37763

(F) The report of any criminal records check conducted by the 37764
bureau of criminal identification and investigation in accordance 37765
with section 109.572 of the Revised Code and pursuant to a request 37766
made under division (C) of this section is not a public record for 37767
the purposes of section 149.43 of the Revised Code and shall not 37768
be made available to any person other than the following: 37769

(1) The person who is the subject of the criminal records 37770
check or the person's representative; 37771

(2) ~~The An~~ administrator at the department ~~who is requesting~~ 37772
~~the criminal records check~~ or the administrator's representative; 37773

(3) ~~Any~~ A court, hearing officer, or other necessary individual involved in a case dealing with a denial or termination of a provider agreement related to the criminal records check.

(G) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the department may either issue a provider agreement to an independent provider ~~who~~ or allow an independent provider to maintain an existing provider agreement when the independent provider has been convicted of ~~or,~~ has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for an offense listed or described in division (C)(1) of this section ~~but meets personal character standards set by the department.~~

Sec. 5111.06. (A)(1) As used in this section and in sections 5111.061 and 5111.062 of the Revised Code:

(a) "Provider" means any person, institution, or entity that furnishes medicaid services under a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.

(b) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.

(c) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.

(2) This section does not apply to any action taken by the department of job and family services under sections 5111.35 to 5111.62 of the Revised Code.

(B) Except as provided in division (D) of this section and section 5111.914 of the Revised Code, the department shall do either of the following by issuing an order pursuant to an

adjudication conducted in accordance with Chapter 119. of the Revised Code:

(1) Enter into or refuse to enter into a provider agreement with a provider, or suspend, terminate, renew, or refuse to renew an existing provider agreement with a provider;

(2) Take any action based upon a final fiscal audit of a provider.

(C) Any party who is adversely affected by the issuance of an adjudication order under division (B) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code.

(D) The department is not required to comply with division (B)(1) of this section whenever any of the following occur:

(1) The terms of a provider agreement require the provider to ~~have hold~~ a license, permit, or certificate or maintain a certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of job and family services, and the license, permit, ~~or~~ certificate, or certification has been denied ~~or~~, revoked, not renewed, suspended, or otherwise limited.

(2) The terms of a provider agreement require the provider to hold a license, permit, or certificate or maintain certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of job and family services, and the provider has not obtained the license, permit, certificate, or certification.

(3) The provider agreement is denied, terminated, or not renewed due to the termination, refusal to renew, or denial of a license, permit, certificate, or certification by an official, board, commission, department, division, bureau, or other agency of this state other than the department of job and family

services, notwithstanding the fact that the provider may hold a license, permit, certificate, or certification from an official, board, commission, department, division, bureau, or other agency of another state. 37835
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~~(2)~~(4) The provider agreement is denied, terminated, or not renewed pursuant to division (C) or ~~(E)~~(F) of section 5111.03 of the Revised Code; 37839
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~~(3)~~(5) The provider agreement is denied, terminated, or not renewed due to the provider's termination, suspension, or exclusion from the medicare program established under Title XVIII of the "Social Security Act," and the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program; 37842
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~~(4)~~(6) The provider agreement is denied, terminated, or not renewed due to the provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program; 37848
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~~(5)~~(7) The provider agreement is denied, terminated, or suspended as a result of action by the United States department of health and human services and that action is binding on the provider's participation in the medicaid program; 37852
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~~(6)~~(8) The provider agreement is suspended pursuant to section 5111.031 of the Revised Code pending indictment of the provider. 37856
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(9) The provider agreement is denied, terminated, or not renewed because the provider has been convicted of one of the offenses that caused the provider agreement to be suspended pursuant to section 5111.031 of the Revised Code. 37859
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(10) The provider agreement is converted under section 5111.028 of the Revised Code from a provider agreement without a time limit to a provider agreement that is time-limited. 37863
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(11) A time-limited provider agreement is terminated or an application for re-enrollment is denied because the provider has failed to apply for re-enrollment within the time or in the manner specified for re-enrollment pursuant to section 5111.028 of the Revised Code. 37866
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(12) The provider agreement is terminated or not renewed because the provider has not billed or otherwise submitted a medicaid claim to the department for two years or longer, and the department has determined that the provider has moved from the address on record with the department without leaving an active forwarding address with the department. 37871
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In the case of a provider described in division (D)~~(6)~~(12) of this section, the department may terminate or not renew the provider agreement by sending a notice explaining the department's proposed action to the address on record with the department. The notice may be sent by regular mail. 37877
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(E) The department may withhold payments for services rendered by a medicaid provider under the medical assistance program during the pendency of proceedings initiated under division (B)(1) of this section. If the proceedings are initiated under division (B)(2) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities and intermediate care facilities for the mentally retarded as defined in section 5111.20 of the Revised Code. 37882
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Sec. 5111.10. The director of job and family services may conduct reviews of the medicaid program. The reviews may include 37895
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physical inspections of records and sites where medicaid-funded 37897
services are provided and interviews of providers and recipients 37898
of the services. If the director determines pursuant to a review 37899
that a person or government entity has violated a rule governing 37900
the medicaid program, the director may establish a corrective 37901
action plan for the violator and impose fiscal, administrative, or 37902
both types of sanctions on the violator in accordance with rules 37903
governing the medicaid program. ~~Such action to be taken against a~~ 37904
~~responsible entity, as defined in section 5101.24 of the Revised~~ 37905
~~Code, shall be taken in accordance with that section.~~ 37906

Sec. 5111.101. (A) As used in this section, ~~"federal";~~ 37907

"Agent" and "contractor" include any agent, contractor, 37908
subcontractor, or other person who, on behalf of an entity, 37909
furnishes or authorizes the furnishing of health care items or 37910
services under the medicaid program, performs billing or coding 37911
functions, or is involved in monitoring of health care that an 37912
entity provides. 37913

"Employee" includes any officer or employee (including 37914
management employees) of an entity. 37915

"Entity" includes a governmental entity or an organization, 37916
unit, corporation, partnership, or other business arrangement, 37917
including any medicaid managed care organization, irrespective of 37918
the form of business structure or arrangement by which it exists, 37919
whether for-profit or not-for-profit. "Entity" does not include a 37920
government entity that administers one or more components of the 37921
medicaid program, unless the government entity receives medicaid 37922
payments for providing items or services. 37923

"Federal health care programs" has the same meaning as in 42 37924
U.S.C. 1320a-7b(f). 37925

(B) Each ~~person and government~~ entity that receives or makes 37926

~~medicaid in a federal fiscal year payments in a calendar year that~~ 37927
~~total under the medicaid program, either through the state~~ 37928
~~medicaid plan or a federal medicaid waiver, totaling at least five~~ 37929
million dollars ~~or more~~ shall, as a condition of receiving such 37930
payments, do all of the following not later than the first day of 37931
the succeeding calendar year: 37932

(1) ~~Provide each of the person or government entity's~~ 37933
Establish written policies for all of the entity's employees 37934
~~(including management employees), contractors, and agents, that~~ 37935
provide detailed, ~~written~~ information about the role of all of the 37936
following in preventing and detecting fraud, waste, and abuse in 37937
federal health care programs: 37938

(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 37939

(b) Federal administrative remedies for false claims and 37940
statements available under 31 U.S.C. 3801 to 3812; 37941

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the 37942
Revised Code and any other state laws pertaining to civil or 37943
criminal penalties for false claims and statements; 37944

(d) Whistleblower protections under the laws specified in 37945
divisions (B)(1)(a) to (c) of this section. 37946

(2) ~~Include in as part of the written information provided~~ 37947
~~under policies required by~~ division (B)(1) of this section 37948
detailed ~~information about~~ provisions regarding the ~~person or~~ 37949
~~government~~ entity's policies and procedures for preventing and 37950
detecting fraud, waste, and abuse. 37951

(3) ~~Include~~ Disseminate the written policies required by 37952
division (B)(1) of this section to each of the entity's employees, 37953
contractors, and agents in a paper or electronic form and make the 37954
written policies readily available to the entity's employees, 37955
contractors, and agents. 37956

(4) If the entity has an employee handbook, include in the 37957
person or government entity's employee handbook a specific 37958
discussion of the laws specified in division (B)(1) of this 37959
section, the rights of employees to be protected as 37960
whistleblowers, and the person or government entity's policies and 37961
procedures for preventing and detecting fraud, waste, and abuse. 37962

(5) Require the entity's contractors and agents to adopt the 37963
entity's written policies required by division (B)(1) of this 37964
section. 37965

(C) An entity that furnishes items or services at multiple 37966
locations or under multiple contractual or other payment 37967
arrangements is required to comply with division (B) of this 37968
section if the entity receives in a federal fiscal year medicaid 37969
payments totaling in the aggregate at least five million dollars. 37970
This applies regardless of whether the entity submits claims for 37971
medicaid payments using multiple provider identification or tax 37972
identification numbers. 37973

Sec. 5111.102. As used in this section, "state agency" has 37974
the same meaning as in section 9.23 of the Revised Code. 37975

No provision of Title LI of the Revised Code or any other law 37976
of this state that incorporates any provision of federal Medicaid 37977
law, Title XIX of the Social Security Act, 79 Stat. 286 (1965), 42 37978
U.S.C. 1396, or that may be construed as requiring the state, a 37979
state agency, or any state official or employee to comply with 37980
that federal provision, shall be construed as creating a cause of 37981
action to enforce such state law beyond the causes of action 37982
available under federal law for enforcement of the provision of 37983
federal law. 37984

Sec. 5111.163. (A) As used in this section: 37985

(1) "Emergency services" has the same meaning as in section 37986

1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 37987
U.S.C. 1396u-2(b)(2), as amended. 37988

(2) "Medicaid managed care organization" has the same meaning 37989
as in section 5111.162 of the Revised Code. 37990

(3) "Provider" ~~has the same meaning as in section 5111.06 of~~ 37991
~~the Revised Code~~ means any person, institution, or entity that 37992
furnishes emergency services to a medicaid recipient enrolled in a 37993
medicaid managed care organization, regardless of whether the 37994
person, institution, or entity has a provider agreement with the 37995
department of job and family services pursuant to Title XIX of the 37996
Social Security Act. 37997

(B) When a participant in the care management system 37998
established under section 5111.16 of the Revised Code is enrolled 37999
in a medicaid managed care organization and receives emergency 38000
services on or after January 1, 2007, from a provider that is not 38001
under contract with the organization, the provider shall accept 38002
from the organization, as payment in full, not more than the 38003
amounts (less any payments for indirect costs of medical education 38004
and direct costs of graduate medical education) that the provider 38005
could collect if the participant received medicaid other than 38006
through enrollment in a managed care organization. 38007

Sec. 5111.17. (A) The department of job and family services 38008
may enter into contracts with managed care organizations, 38009
including health insuring corporations, under which the 38010
organizations are authorized to provide, or arrange for the 38011
provision of, health care services to medical assistance 38012
recipients who are required or permitted to obtain health care 38013
services through managed care organizations as part of the care 38014
management system established under section 5111.16 of the Revised 38015
Code. 38016

(B) ~~The department shall develop and implement a financial~~ 38017

~~incentive program to improve and reward positive health outcomes 38018
through the managed care organization contracts entered into under 38019
this section. In developing and implementing the program, the 38020
department may take into consideration the recommendations 38021
regarding the program made by the medicaid care management working 38022
group created under section 5111.161 of the Revised Code. 38023~~

~~(C) The director of job and family services may adopt rules 38024
in accordance with Chapter 119. of the Revised Code to implement 38025
this section. 38026~~

Sec. 5111.20. As used in sections 5111.20 to 5111.34 of the 38027
Revised Code: 38028

(A) "Allowable costs" are those costs determined by the 38029
department of job and family services to be reasonable and do not 38030
include fines paid under sections 5111.35 to 5111.61 and section 38031
5111.99 of the Revised Code. 38032

(B) "Ancillary and support costs" means all reasonable costs 38033
incurred by a nursing facility other than direct care costs or 38034
capital costs. "Ancillary and support costs" includes, but is not 38035
limited to, costs of activities, social services, pharmacy 38036
consultants, habilitation supervisors, qualified mental 38037
retardation professionals, program directors, medical and 38038
habilitation records, program supplies, incontinence supplies, 38039
food, enterals, dietary supplies and personnel, laundry, 38040
housekeeping, security, administration, medical equipment, 38041
utilities, liability insurance, bookkeeping, purchasing 38042
department, human resources, communications, travel, dues, license 38043
fees, subscriptions, home office costs not otherwise allocated, 38044
legal services, accounting services, minor equipment, maintenance 38045
and repairs, help-wanted advertising, informational advertising, 38046
start-up costs, organizational expenses, other interest, property 38047
insurance, employee training and staff development, employee 38048

benefits, payroll taxes, and workers' compensation premiums or 38049
costs for self-insurance claims and related costs as specified in 38050
rules adopted by the director of job and family services under 38051
section 5111.02 of the Revised Code, for personnel listed in this 38052
division. "Ancillary and support costs" also means the cost of 38053
equipment, including vehicles, acquired by operating lease 38054
executed before December 1, 1992, if the costs are reported as 38055
administrative and general costs on the facility's cost report for 38056
the cost reporting period ending December 31, 1992. 38057

(C) "Capital costs" means costs of ownership and, in the case 38058
of an intermediate care facility for the mentally retarded, costs 38059
of nonextensive renovation. 38060

(1) "Cost of ownership" means the actual expense incurred for 38061
all of the following: 38062

(a) Depreciation and interest on any capital assets that cost 38063
five hundred dollars or more per item, including the following: 38064

(i) Buildings; 38065

(ii) Building improvements that are not approved as 38066
nonextensive renovations under section 5111.251 of the Revised 38067
Code; 38068

(iii) Except as provided in division (B) of this section, 38069
equipment; 38070

(iv) In the case of an intermediate care facility for the 38071
mentally retarded, extensive renovations; 38072

(v) Transportation equipment. 38073

(b) Amortization and interest on land improvements and 38074
leasehold improvements; 38075

(c) Amortization of financing costs; 38076

(d) Except as provided in division (K) of this section, lease 38077
and rent of land, building, and equipment. 38078

The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.

(2) "Costs of nonextensive renovation" means the actual expense incurred by an intermediate care facility for the mentally retarded for depreciation or amortization and interest on renovations that are not extensive renovations.

(D) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.

(E) "Case-mix score" means the measure determined under section 5111.232 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a resident of a nursing facility or intermediate care facility for the mentally retarded.

(F)(1) "Date of licensure," for a facility originally licensed as a nursing home under Chapter 3721. of the Revised Code, means the date specific beds were originally licensed as nursing home beds under that chapter, regardless of whether they were subsequently licensed as residential facility beds under section 5123.19 of the Revised Code. For a facility originally licensed as a residential facility under section 5123.19 of the Revised Code, "date of licensure" means the date specific beds were originally licensed as residential facility beds under that section.

~~(1)~~ If nursing home beds licensed under Chapter 3721. of the Revised Code or residential facility beds licensed under section 5123.19 of the Revised Code were not required by law to be licensed when they were originally used to provide nursing home or residential facility services, "date of licensure" means the date the beds first were used to provide nursing home or residential facility services, regardless of the date the present provider

obtained licensure. 38110

~~(2)~~ If a facility adds nursing home beds or residential 38111
facility beds or extensively renovates all or part of the facility 38112
after its original date of licensure, it will have a different 38113
date of licensure for the additional beds or extensively renovated 38114
portion of the facility, unless the beds are added in a space that 38115
was constructed at the same time as the previously licensed beds 38116
but was not licensed under Chapter 3721. or section 5123.19 of the 38117
Revised Code at that time. 38118

(2) The definition of "date of licensure" in this section 38119
applies in determinations of the medicaid reimbursement rate for a 38120
nursing facility or intermediate care facility for the mentally 38121
retarded but does not apply in determinations of the franchise 38122
permit fee for a nursing facility or intermediate care facility 38123
for the mentally retarded. 38124

(G) "Desk-reviewed" means that costs as reported on a cost 38125
report submitted under section 5111.26 of the Revised Code have 38126
been subjected to a desk review under division (A) of section 38127
5111.27 of the Revised Code and preliminarily determined to be 38128
allowable costs. 38129

(H) "Direct care costs" means all of the following: 38130

(1)(a) Costs for registered nurses, licensed practical 38131
nurses, and nurse aides employed by the facility; 38132

(b) Costs for direct care staff, administrative nursing 38133
staff, medical directors, respiratory therapists, and except as 38134
provided in division (H)(2) of this section, other persons holding 38135
degrees qualifying them to provide therapy; 38136

(c) Costs of purchased nursing services; 38137

(d) Costs of quality assurance; 38138

(e) Costs of training and staff development, employee 38139

benefits, payroll taxes, and workers' compensation premiums or	38140
costs for self-insurance claims and related costs as specified in	38141
rules adopted by the director of job and family services in	38142
accordance with Chapter 119. of the Revised Code, for personnel	38143
listed in divisions (H)(1)(a), (b), and (d) of this section;	38144
(f) Costs of consulting and management fees related to direct	38145
care;	38146
(g) Allocated direct care home office costs.	38147
(2) In addition to the costs specified in division (H)(1) of	38148
this section, for nursing facilities only, direct care costs	38149
include costs of habilitation staff (other than habilitation	38150
supervisors), medical supplies, emergency oxygen, habilitation	38151
supplies, and universal precautions supplies.	38152
(3) In addition to the costs specified in division (H)(1) of	38153
this section, for intermediate care facilities for the mentally	38154
retarded only, direct care costs include both of the following:	38155
(a) Costs for physical therapists and physical therapy	38156
assistants, occupational therapists and occupational therapy	38157
assistants, speech therapists, audiologists, habilitation staff	38158
(including habilitation supervisors), qualified mental retardation	38159
professionals, program directors, social services staff,	38160
activities staff, <u>off-site day programming</u> , psychologists and	38161
psychology assistants, and social workers and counselors;	38162
(b) Costs of training and staff development, employee	38163
benefits, payroll taxes, and workers' compensation premiums or	38164
costs for self-insurance claims and related costs as specified in	38165
rules adopted under section 5111.02 of the Revised Code, for	38166
personnel listed in division (H)(3)(a) of this section.	38167
(4) Costs of other direct-care resources that are specified	38168
as direct care costs in rules adopted under section 5111.02 of the	38169
Revised Code.	38170

(I) "Fiscal year" means the fiscal year of this state, as 38171
specified in section 9.34 of the Revised Code. 38172

(J) "Franchise permit fee" means the following: 38173

(1) In the context of nursing facilities, the fee imposed by 38174
sections 3721.50 to 3721.58 of the Revised Code; 38175

(2) In the context of intermediate care facilities for the 38176
mentally retarded, the fee imposed by sections 5112.30 to 5112.39 38177
of the Revised Code. 38178

(K) "Indirect care costs" means all reasonable costs incurred 38179
by an intermediate care facility for the mentally retarded other 38180
than direct care costs, other protected costs, or capital costs. 38181
"Indirect care costs" includes but is not limited to costs of 38182
habilitation supplies, pharmacy consultants, medical and 38183
habilitation records, program supplies, incontinence supplies, 38184
food, enterals, dietary supplies and personnel, laundry, 38185
housekeeping, security, administration, liability insurance, 38186
bookkeeping, purchasing department, human resources, 38187
communications, travel, dues, license fees, subscriptions, home 38188
office costs not otherwise allocated, legal services, accounting 38189
services, minor equipment, maintenance and repairs, help-wanted 38190
advertising, informational advertising, start-up costs, 38191
organizational expenses, other interest, property insurance, 38192
employee training and staff development, employee benefits, 38193
payroll taxes, and workers' compensation premiums or costs for 38194
self-insurance claims and related costs as specified in rules 38195
adopted under section 5111.02 of the Revised Code, for personnel 38196
listed in this division. Notwithstanding division (C)(1) of this 38197
section, "indirect care costs" also means the cost of equipment, 38198
including vehicles, acquired by operating lease executed before 38199
December 1, 1992, if the costs are reported as administrative and 38200
general costs on the facility's cost report for the cost reporting 38201
period ending December 31, 1992. 38202

(L) "Inpatient days" means all days during which a resident, 38203
regardless of payment source, occupies a bed in a nursing facility 38204
or intermediate care facility for the mentally retarded that is 38205
included in the facility's certified capacity under Title XIX. 38206
Therapeutic or hospital leave days for which payment is made under 38207
section 5111.33 of the Revised Code are considered inpatient days 38208
proportionate to the percentage of the facility's per resident per 38209
day rate paid for those days. 38210

(M) "Intermediate care facility for the mentally retarded" 38211
means an intermediate care facility for the mentally retarded 38212
certified as in compliance with applicable standards for the 38213
medicaid program by the director of health in accordance with 38214
Title XIX. 38215

(N) "Maintenance and repair expenses" means, except as 38216
provided in division (BB)(2) of this section, expenditures that 38217
are necessary and proper to maintain an asset in a normally 38218
efficient working condition and that do not extend the useful life 38219
of the asset two years or more. "Maintenance and repair expenses" 38220
includes but is not limited to the cost of ordinary repairs such 38221
as painting and wallpapering. 38222

(O) "Medicaid days" means all days during which a resident 38223
who is a Medicaid recipient eligible for nursing facility services 38224
occupies a bed in a nursing facility that is included in the 38225
nursing facility's certified capacity under Title XIX. Therapeutic 38226
or hospital leave days for which payment is made under section 38227
5111.33 of the Revised Code are considered Medicaid days 38228
proportionate to the percentage of the nursing facility's per 38229
resident per day rate paid for those days. 38230

(P) "Nursing facility" means a facility, or a distinct part 38231
of a facility, that is certified as a nursing facility by the 38232
director of health in accordance with Title XIX and is not an 38233
intermediate care facility for the mentally retarded. "Nursing 38234

facility" includes a facility, or a distinct part of a facility, 38235
that is certified as a nursing facility by the director of health 38236
in accordance with Title XIX and is certified as a skilled nursing 38237
facility by the director in accordance with Title XVIII. 38238

(Q) "Operator" means the person or government entity 38239
responsible for the daily operating and management decisions for a 38240
nursing facility or intermediate care facility for the mentally 38241
retarded. 38242

(R) "Other protected costs" means costs incurred by an 38243
intermediate care facility for the mentally retarded for medical 38244
supplies; real estate, franchise, and property taxes; natural gas, 38245
fuel oil, water, electricity, sewage, and refuse and hazardous 38246
medical waste collection; allocated other protected home office 38247
costs; and any additional costs defined as other protected costs 38248
in rules adopted under section 5111.02 of the Revised Code. 38249

(S)(1) "Owner" means any person or government entity that has 38250
at least five per cent ownership or interest, either directly, 38251
indirectly, or in any combination, in any of the following 38252
regarding a nursing facility or intermediate care facility for the 38253
mentally retarded: 38254

(a) The land on which the facility is located; 38255

(b) The structure in which the facility is located; 38256

(c) Any mortgage, contract for deed, or other obligation 38257
secured in whole or in part by the land or structure on or in 38258
which the facility is located; 38259

(d) Any lease or sublease of the land or structure on or in 38260
which the facility is located. 38261

(2) "Owner" does not mean a holder of a debenture or bond 38262
related to the nursing facility or intermediate care facility for 38263
the mentally retarded and purchased at public issue or a regulated 38264

lender that has made a loan related to the facility unless the 38265
holder or lender operates the facility directly or through a 38266
subsidiary. 38267

(T) "Patient" includes "resident." 38268

(U) Except as provided in divisions (U)(1) and (2) of this 38269
section, "per diem" means a nursing facility's or intermediate 38270
care facility for the mentally retarded's actual, allowable costs 38271
in a given cost center in a cost reporting period, divided by the 38272
facility's inpatient days for that cost reporting period. 38273

(1) When calculating indirect care costs for the purpose of 38274
establishing rates under section 5111.241 of the Revised Code, 38275
"per diem" means an intermediate care facility for the mentally 38276
retarded's actual, allowable indirect care costs in a cost 38277
reporting period divided by the greater of the facility's 38278
inpatient days for that period or the number of inpatient days the 38279
facility would have had during that period if its occupancy rate 38280
had been eighty-five per cent. 38281

(2) When calculating capital costs for the purpose of 38282
establishing rates under section 5111.251 of the Revised Code, 38283
"per diem" means a facility's actual, allowable capital costs in a 38284
cost reporting period divided by the greater of the facility's 38285
inpatient days for that period or the number of inpatient days the 38286
facility would have had during that period if its occupancy rate 38287
had been ninety-five per cent. 38288

(V) "Provider" means an operator with a provider agreement. 38289

(W) "Provider agreement" means a contract between the 38290
department of job and family services and the operator of a 38291
nursing facility or intermediate care facility for the mentally 38292
retarded for the provision of nursing facility services or 38293
intermediate care facility services for the mentally retarded 38294
under the medicaid program. 38295

(X) "Purchased nursing services" means services that are provided in a nursing facility by registered nurses, licensed practical nurses, or nurse aides who are not employees of the facility.

(Y) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

(Z) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the provider.

(1) An individual who is a relative of an owner is a related party.

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.	38327
(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.	38328 38329 38330 38331
(c) The types of goods or services are commonly obtained by other nursing facilities or intermediate care facilities for the mentally retarded from outside organizations and are not a basic element of patient care ordinarily furnished directly to patients by the facilities.	38332 38333 38334 38335 38336
(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.	38337 38338 38339 38340
(AA) "Relative of owner" means an individual who is related to an owner of a nursing facility or intermediate care facility for the mentally retarded by one of the following relationships:	38341 38342 38343
(1) Spouse;	38344
(2) Natural parent, child, or sibling;	38345
(3) Adopted parent, child, or sibling;	38346
(4) Stepparent, stepchild, stepbrother, or stepsister;	38347
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	38348 38349
(6) Grandparent or grandchild;	38350
(7) Foster caregiver, foster child, foster brother, or foster sister.	38351 38352
(BB) "Renovation" and "extensive renovation" mean:	38353
(1) Any betterment, improvement, or restoration of an intermediate care facility for the mentally retarded started	38354 38355

before July 1, 1993, that meets the definition of a renovation or 38356
extensive renovation established in rules adopted by the director 38357
of job and family services in effect on December 22, 1992. 38358

(2) In the case of betterments, improvements, and 38359
restorations of intermediate care facilities for the mentally 38360
retarded started on or after July 1, 1993: 38361

(a) "Renovation" means the betterment, improvement, or 38362
restoration of an intermediate care facility for the mentally 38363
retarded beyond its current functional capacity through a 38364
structural change that costs at least five hundred dollars per 38365
bed. A renovation may include betterment, improvement, 38366
restoration, or replacement of assets that are affixed to the 38367
building and have a useful life of at least five years. A 38368
renovation may include costs that otherwise would be considered 38369
maintenance and repair expenses if they are an integral part of 38370
the structural change that makes up the renovation project. 38371
"Renovation" does not mean construction of additional space for 38372
beds that will be added to a facility's licensed or certified 38373
capacity. 38374

(b) "Extensive renovation" means a renovation that costs more 38375
than sixty-five per cent and no more than eighty-five per cent of 38376
the cost of constructing a new bed and that extends the useful 38377
life of the assets for at least ten years. 38378

For the purposes of division (BB)(2) of this section, the 38379
cost of constructing a new bed shall be considered to be forty 38380
thousand dollars, adjusted for the estimated rate of inflation 38381
from January 1, 1993, to the end of the calendar year during which 38382
the renovation is completed, using the consumer price index for 38383
shelter costs for all urban consumers for the north central 38384
region, as published by the United States bureau of labor 38385
statistics. 38386

The department of job and family services may treat a 38387
renovation that costs more than eighty-five per cent of the cost 38388
of constructing new beds as an extensive renovation if the 38389
department determines that the renovation is more prudent than 38390
construction of new beds. 38391

(CC) "Title XIX" means Title XIX of the "Social Security 38392
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 38393

(DD) "Title XVIII" means Title XVIII of the "Social Security 38394
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 38395

Sec. 5111.861. (A) "Home and community-based services 38396
medicaid waiver component" has the same meaning as in section 38397
5111.851 of the Revised Code. 38398

(B) The director may submit a request to the United States 38399
secretary of health and human services to approve amendments to 38400
one or more home and community-based services medicaid waiver 38401
components to do one or more of the following: 38402

(1) Allow a participant receiving services under a component 38403
to retain eligibility for those services while participating in 38404
the medicaid buy-in program established under section 5111.0119 of 38405
the Revised Code. 38406

(2) Make changes to one or more components so that the 38407
component or components contains one or more features of the 38408
medicaid buy-in program established under section 5111.0119 of the 38409
Revised Code. 38410

Sec. 5111.871. The department of job and family services 38411
shall enter into a contract with the department of mental 38412
retardation and developmental disabilities under section 5111.91 38413
of the Revised Code with regard to one or more of the components 38414
of the medicaid program established by the department of job and 38415
family services under one or more of the medicaid waivers sought 38416

under section 5111.87 of the Revised Code. The contract shall 38417
provide for the department of mental retardation and developmental 38418
disabilities to administer the components in accordance with the 38419
terms of the waivers. The directors of job and family services and 38420
mental retardation and developmental disabilities shall adopt 38421
rules in accordance with Chapter 119. of the Revised Code 38422
governing the components. 38423

If the department of mental retardation and developmental 38424
disabilities or the department of job and family services denies 38425
an individual's application for home and community-based services 38426
provided under any of these medicaid components, the department 38427
that denied the services shall give timely notice to the 38428
individual that the individual may request a hearing under section 38429
5101.35 of the Revised Code. 38430

The departments of mental retardation and developmental 38431
disabilities and job and family services may approve, reduce, 38432
deny, or terminate a service included in the individualized 38433
service plan developed for a medicaid recipient eligible for home 38434
and community-based services provided under any of these medicaid 38435
components. The departments shall consider the recommendations a 38436
county board of mental retardation and developmental disabilities 38437
makes under division (A)(1)(c) of section 5126.055 of the Revised 38438
Code. If either department approves, reduces, denies, or 38439
terminates a service, that department shall give timely notice to 38440
the medicaid recipient that the recipient may request a hearing 38441
under section 5101.35 of the Revised Code. 38442

If supported living ~~or residential services~~, as defined in 38443
section 5126.01 of the Revised Code, ~~are~~ is to be provided as a 38444
service under any of these components, any person or government 38445
entity with a current, valid medicaid provider agreement and a 38446
current, valid ~~license under section 5123.19 or~~ certificate under 38447
section ~~5123.16 or 5126.431~~ 5123.161 of the Revised Code may 38448

provide the ~~services~~ service. 38449

If a service is to be provided under any of these components 38450
by a residential facility, as defined in section 5123.19 of the 38451
Revised Code, any person or government entity with a current, 38452
valid medicaid provider agreement and a current, valid license 38453
under section 5123.19 of the Revised Code may provide the service. 38454

Sec. 5111.8814. An intermediate care facility for the 38455
mentally retarded that converts in whole to providing home and 38456
community-based services under the ICF/MR conversion pilot program 38457
shall either be licensed as a residential facility under section 38458
5123.19 of the Revised Code or certified to provide supported 38459
living under section ~~5126.431~~ 5123.161 of the Revised Code. If an 38460
intermediate care facility for the mentally retarded converts in 38461
part to providing such home and community-based services, the 38462
distinct part of the facility that provides the home and 38463
community-based services shall either be licensed as a residential 38464
facility under section 5123.19 of the Revised Code or certified to 38465
provide supported living under section ~~5126.431~~ 5123.161 of the 38466
Revised Code. The facility or distinct part of the facility shall 38467
be licensed as a residential facility rather than certified to 38468
provide supported living if it meets the definition of 38469
"residential facility" in section 5123.19 of the Revised Code. 38470

Sec. 5111.915. (A) The department of job and family services 38471
shall enter into an agreement with the department of 38472
administrative services for the department of administrative 38473
services to contract through competitive selection pursuant to 38474
section 125.07 of the Revised Code with a vendor to perform an 38475
assessment of the data collection and data warehouse functions of 38476
the medicaid data warehouse system, including the ability to link 38477
the data sets of all agencies serving medicaid recipients. 38478

The assessment of the data system shall include functions 38479
related to fraud and abuse detection, program management and 38480
budgeting, and performance measurement capabilities of all 38481
agencies serving medicaid recipients, including the departments of 38482
aging, alcohol and drug addiction services, health, job and family 38483
services, mental health, and mental retardation and developmental 38484
disabilities. 38485

The department of administrative services shall enter into 38486
this contract within thirty days after ~~the effective date of this~~ 38487
~~section~~ September 29, 2005. The contract shall require the vendor 38488
to complete the assessment within ninety days after ~~the effective~~ 38489
~~date of this section~~ September 29, 2005. 38490

A qualified vendor with whom the department of administrative 38491
services contracts to assess the data system shall also assist the 38492
medicaid agencies in the definition of the requirements for an 38493
enhanced data system or a new data system and assist the 38494
department of administrative services in the preparation of a 38495
request for proposal to enhance or develop a data system. 38496

(B) Based on the assessment performed pursuant to division 38497
(A) of this section, the ~~department of administrative services~~ 38498
office of information technology shall seek a qualified vendor 38499
through competitive selection pursuant to section 125.07 of the 38500
Revised Code to develop or enhance a data collection and data 38501
warehouse system for the department of job and family services and 38502
all agencies serving medicaid recipients. 38503

Within ninety days after ~~the effective date of this section~~ 38504
September 29, 2005, the department of job and family services 38505
shall seek enhanced federal funding for ninety per cent of the 38506
funds required to establish or enhance the data system. The 38507
~~department of administrative services~~ office of information 38508
technology shall not award a contract for establishing or 38509
enhancing the data system until the department of job and family 38510

services receives approval from the secretary of the United States 38511
department of health and human services for the ninety per cent 38512
federal match. 38513

Sec. 5111.941. The medicaid revenue and collections fund is 38514
hereby created in the state treasury. Except as otherwise provided 38515
by statute or as authorized by the controlling board, the 38516
~~non-federal~~ nonfederal share of all medicaid-related revenues, 38517
collections, and recoveries shall be credited to the fund. The 38518
department of job and family services shall use money credited to 38519
the fund to pay for medicaid services and ~~contracts~~ program 38520
administration. 38521

Sec. 5112.03. (A) The director of job and family services 38522
shall adopt, and may amend and rescind, rules in accordance with 38523
Chapter 119. of the Revised Code for the purpose of administering 38524
sections 5112.01 to 5112.21 of the Revised Code, including rules 38525
that do all of the following: 38526

(1) Define as a "disproportionate share hospital" any 38527
hospital included under subsection (b) of section 1923 of the 38528
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 38529
1396r-4(b), as amended, and any other hospital the director 38530
determines appropriate; 38531

(2) Prescribe the form for submission of cost reports under 38532
section 5112.04 of the Revised Code; 38533

(3) Establish, in accordance with division (A) of section 38534
5112.06 of the Revised Code, the assessment rate or rates to be 38535
applied to hospitals under that section; 38536

(4) Establish schedules for hospitals to pay installments on 38537
their assessments under section 5112.06 of the Revised Code and 38538
for governmental hospitals to pay installments on their 38539
intergovernmental transfers under section 5112.07 of the Revised 38540

Code;	38541
(5) Establish procedures to notify hospitals of adjustments made under division (B)(2)(b) of section 5112.06 of the Revised Code in the amount of installments on their assessment;	38542 38543 38544
(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5112.09 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments;	38545 38546 38547 38548 38549
(7) Establish, in accordance with section 5112.08 of the Revised Code, the methodology for paying hospitals under that section.	38550 38551 38552
The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties.	38553 38554 38555
(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:	38556 38557 38558
(1) Recipients of the medical assistance program;	38559
(2) Recipients of financial assistance provided under Chapter 5115. of the Revised Code;	38560 38561
(3) Recipients of medical assistance provided under Chapter 5115. of the Revised Code;	38562 38563
(4) Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;	38564 38565
(5) Recipients of the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended:	38566 38567 38568
(6) Recipients of Title V of the "Social Security Act";	38569

(7) <u>Recipients of nonfederal medical assistance provided</u>	38570
<u>under Chapter 5114. of the Revised Code;</u>	38571
(8) Any other category of costs deemed appropriate by the	38572
director in accordance with Title XIX of the "Social Security Act"	38573
and the rules adopted under that title.	38574
Sec. 5112.08. The director of job and family services shall	38575
adopt rules under section 5112.03 of the Revised Code establishing	38576
a methodology to pay hospitals that is sufficient to expend all	38577
money in the indigent care pool. Under the rules:	38578
(A) The department of job and family services may classify	38579
similar hospitals into groups and allocate funds for distribution	38580
within each group.	38581
(B) The department shall establish a method of allocating	38582
funds to hospitals, taking into consideration the relative amount	38583
of indigent care provided by each hospital or group of hospitals.	38584
The amount to be allocated shall be based on any combination of	38585
the following indicators of indigent care that the director	38586
considers appropriate:	38587
(1) Total costs, volume, or proportion of services to	38588
recipients of the medical assistance program, including recipients	38589
enrolled in health insuring corporations;	38590
(2) Total costs, volume, or proportion of services to	38591
low-income patients in addition to recipients of the medical	38592
assistance program, which may include recipients of Title V of the	38593
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as	38594
amended, <u>recipients of nonfederal medical assistance under Chapter</u>	38595
<u>5114. of the Revised Code,</u> and recipients of financial or medical	38596
assistance provided under Chapter 5115. of the Revised Code;	38597
(3) The amount of uncompensated care provided by the hospital	38598
or group of hospitals;	38599

(4) Other factors that the director considers to be 38600
appropriate indicators of indigent care. 38601

(C) The department shall distribute funds to each hospital or 38602
group of hospitals in a manner that first may provide for an 38603
additional distribution to individual hospitals that provide a 38604
high proportion of indigent care in relation to the total care 38605
provided by the hospital or in relation to other hospitals. The 38606
department shall establish a formula to distribute the remainder 38607
of the funds. The formula shall be consistent with section 1923 of 38608
the "Social Security Act," 42 U.S.C.A. 1396r-4, as amended, shall 38609
be based on any combination of the indicators of indigent care 38610
listed in division (B) of this section that the director considers 38611
appropriate. 38612

(D) The department shall distribute funds to each hospital in 38613
installments not later than ten working days after the deadline 38614
established in rules for each hospital to pay an installment on 38615
its assessment under section 5112.06 of the Revised Code. In the 38616
case of a governmental hospital that makes intergovernmental 38617
transfers, the department shall pay an installment under this 38618
section not later than ten working days after the earlier of that 38619
deadline or the deadline established in rules for the governmental 38620
hospital to pay an installment on its intergovernmental transfer. 38621
If the amount in the hospital care assurance program fund created 38622
under section 5112.18 of the Revised Code and the portion of the 38623
health care - federal fund created under section 5111.943 of the 38624
Revised Code that is credited to that fund pursuant to division 38625
(B) of section 5112.18 of the Revised Code are insufficient to 38626
make the total distributions for which hospitals are eligible to 38627
receive in any period, the department shall reduce the amount of 38628
each distribution by the percentage by which the amount and 38629
portion are insufficient. The department shall distribute to 38630
hospitals any amounts not distributed in the period in which they 38631

are due as soon as moneys are available in the funds. 38632

Sec. 5112.341. (A) In addition to assessing a penalty 38633
pursuant to section 5112.34 of the Revised Code, the department of 38634
job and family services may do either or both of the following if 38635
an intermediate care facility for the mentally retarded fails to 38636
pay the full amount of a franchise permit fee installment when 38637
due: 38638

(1) ~~Withhold~~ Offset an amount less than or equal to the 38639
installment and penalty assessed under section 5112.34 of the 38640
Revised Code from a medicaid payment due the facility ~~until the~~ 38641
~~facility pays the installment and penalty;~~ 38642

(2) Terminate the facility's medicaid provider agreement. 38643

(B) The department may ~~withhold~~ offset a medicaid payment 38644
under division (A)(1) of this section without providing notice to 38645
the intermediate care facility for the mentally retarded and 38646
without conducting an adjudication under Chapter 119. of the 38647
Revised Code. 38648

Sec. 5114.01. The director of job and family services shall 38649
establish the nonfederal medical assistance program. The program 38650
shall be implemented in accordance with this chapter and the rules 38651
adopted under section 5114.02 of the Revised Code. 38652

Sec. 5114.02. (A) The director of job and family services 38653
shall adopt rules for purposes of implementing the nonfederal 38654
medical assistance program. The rules shall be adopted in 38655
accordance with section 111.15 of the Revised Code. 38656

(B) The rules adopted under this section may specify or 38657
establish any or all of the following: 38658

(1) Eligibility requirements for the program, subject to 38659
section 5114.03 of the Revised Code; 38660

<u>(2) A requirement that an individual first seek medical</u>	38661
<u>benefits authorized under other state or federal programs,</u>	38662
<u>including the medicaid program's coverage authorized under</u>	38663
<u>division (C) of section 5111.01 of the Revised Code;</u>	38664
<u>(3) Medical services to be covered under the program;</u>	38665
<u>(4) The maximum authorized amount, scope, duration, or limit</u>	38666
<u>of payment for services under the program;</u>	38667
<u>(5) Limits on the length of time an individual may receive</u>	38668
<u>nonfederal medical assistance;</u>	38669
<u>(6) Limits on the total number of individuals in this state</u>	38670
<u>who may receive nonfederal medical assistance;</u>	38671
<u>(7) Application and verification procedures, and</u>	38672
<u>reapplication procedures;</u>	38673
<u>(8) Any other requirements the director considers necessary</u>	38674
<u>for implementation of the program.</u>	38675
<u>Sec. 5114.03. With respect to eligibility for the nonfederal</u>	38676
<u>medical assistance program, both of the following apply:</u>	38677
<u>(A) An individual who qualifies for assistance under any part</u>	38678
<u>of the medicaid program operated pursuant to Chapter 5111. of the</u>	38679
<u>Revised Code is ineligible to receive assistance under the</u>	38680
<u>nonfederal medical assistance program.</u>	38681
<u>(B) An individual who is ineligible for medicaid under</u>	38682
<u>division (C) of section 5111.01 of the Revised Code is eligible</u>	38683
<u>for assistance under the nonfederal medical assistance program</u>	38684
<u>only if the individual's ineligibility results solely from having</u>	38685
<u>an income that exceeds the income eligibility limits approved by</u>	38686
<u>the federal government for providing coverage under that division.</u>	38687
<u>Sec. 5114.04. For purposes of limiting the cost of the</u>	38688
<u>nonfederal medical assistance program, the director of job and</u>	38689

family services may suspend acceptance of applications for the 38690
program. If the acceptance of applications is suspended, the 38691
suspension may be implemented without the adoption of rules under 38692
section 5114.02 of the Revised Code. 38693

Sec. 5114.05. (A) The department of job and family services 38694
shall supervise and administer the nonfederal medical assistance 38695
program, except as follows: 38696

(1) The department may require county departments of job and 38697
family services to perform any administrative function specified 38698
in rules adopted under section 5114.02 of the Revised Code. 38699

(2) The department may contract with any private or public 38700
entity in this state to perform any administrative function 38701
specified in the contract or to administer any or all of the 38702
program. 38703

(B) If the department requires county departments to perform 38704
administrative functions under division (A)(1) of this section, 38705
the director of job and family services shall adopt rules under 38706
section 5114.02 of the Revised Code governing the performance of 38707
the functions. County departments shall perform the functions in 38708
accordance with the rules. 38709

If the department contracts with a private or public entity 38710
under division (A)(2) of this section, the director may either 38711
adopt rules under section 5114.02 of the Revised Code governing 38712
the performance of the functions or include provisions in the 38713
contract governing performance of the functions. Entities under 38714
contract shall perform the functions in accordance with the 38715
requirements established by the director. 38716

(C) Whenever division (A)(1) or (2) of this section is 38717
implemented, the director shall conduct investigations to 38718
determine whether the nonfederal medical assistance program is 38719

being administered in accordance with this chapter and the rules 38720
adopted by the director or in accordance with the terms of the 38721
contract. 38722

Sec. 5115.12. (A) The director of job and family services 38723
shall adopt rules in accordance with section 111.15 of the Revised 38724
Code governing the disability medical assistance program. The 38725
rules may establish or specify any or all of the following: 38726

(1) Income, resource, citizenship, age, residence, living 38727
arrangement, and other eligibility requirements; 38728

(2) Health services to be included in the program; 38729

(3) The maximum authorized amount, scope, duration, or limit 38730
of payment for services; 38731

(4) Limits on the length of time an individual may receive 38732
disability medical assistance; 38733

(5) Limits on the total number of individuals in the state 38734
who may receive disability medical assistance; 38735

(6) Limits on the number and types of providers eligible to 38736
be reimbursed for services provided to individuals enrolled in the 38737
program. 38738

(B) For purposes of limiting the cost of the disability 38739
medical assistance program, the director may do either of the 38740
following: 38741

(1) Adopt rules in accordance with section 111.15 of the 38742
Revised Code that revise the program's eligibility requirements; 38743
the maximum authorized amount, scope, duration, or limit of 38744
payment for services included in the program; or any other 38745
requirement or standard established or specified by rules adopted 38746
under division (A) of this section or under section 5115.10 of the 38747
Revised Code; 38748

(2) Suspend acceptance of applications for disability medical 38749
assistance. While a suspension is in effect, no person shall 38750
receive a determination or redetermination of eligibility for 38751
disability medical assistance unless the person was receiving the 38752
assistance during the month immediately preceding the suspension's 38753
effective date or the person submitted an application prior to the 38754
suspension's effective date and receives a determination of 38755
eligibility based on that application. The director may adopt 38756
rules in accordance with section 111.15 of the Revised Code 38757
establishing requirements and specifying procedures applicable to 38758
the suspension of acceptance of applications. 38759

Sec. 5117.10. (A) On or before the fifteenth day of January, 38760
the director of development shall pay each applicant determined 38761
eligible for a payment under divisions (A) and (B) of section 38762
5117.07 of the Revised Code one hundred twenty-five dollars. 38763

(B) The director may withhold from any payment to which a 38764
person would otherwise be entitled under division (A) of this 38765
section any amount that the director determines was erroneously 38766
received by such person in a preceding year under this or the 38767
program established under Am. Sub. H.B. 230, as amended by Am. 38768
H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 38769
523 of the 112th general assembly, provided the director has 38770
employed all other legal methods reasonably available to obtain 38771
reimbursement for the erroneous payment or credit prior to the 38772
commencement of the current program year. 38773

(C) Payments made under this section and credits granted 38774
under section 5117.09 of the Revised Code shall not be considered 38775
income for the purpose of determining eligibility or the level of 38776
benefits or assistance under section 329.042 or Chapters 5107., 38777
5111., 5114., and 5115. of the Revised Code; supplemental security 38778
income payments under Title XVI of the "Social Security Act," 49 38779

Stat. 620 (1935), 42 U.S.C. 301, as amended; or any other program 38780
under which eligibility or the level of benefits or assistance is 38781
based upon need measured by income. 38782

Sec. 5119.611. (A) A community mental health agency that 38783
seeks certification of its community mental health services shall 38784
submit an application to the director of mental health. On receipt 38785
of the application, the director may visit and shall evaluate the 38786
agency to determine whether its services satisfy the standards 38787
established by rules adopted under division (D) of this section. 38788
The director shall make the evaluation, and, if the director 38789
visits the agency, shall make the visit, in cooperation with the 38790
board of alcohol, drug addiction, and mental health services with 38791
which the agency seeks to contract under division (A)(8)(a) of 38792
section 340.03 of the Revised Code. 38793

Subject to divisions (B) and (C) of this section, the 38794
director shall certify a community mental health agency's services 38795
that the director determines satisfy the standards. 38796

If the director determines that a community mental health 38797
agency's services do not satisfy the standards, the director shall 38798
identify the areas of noncompliance, specify what action is 38799
necessary to satisfy the standards, and offer technical assistance 38800
to the board of alcohol, drug addiction, and mental health 38801
services so that the board may assist the agency in satisfying the 38802
standards. The director shall give the agency a reasonable time 38803
within which to demonstrate that its services satisfy the 38804
standards or to bring the services into compliance with the 38805
standards. If the director concludes that the services continue to 38806
fail to satisfy the standards, the director may request that the 38807
board reallocate the funds for the community mental health 38808
services the agency was to provide to another community mental 38809
health agency whose community mental health services satisfy the 38810

standards. If the board does not reallocate those funds in a 38811
reasonable period of time, the director may withhold state and 38812
federal funds for the community mental health services and 38813
allocate those funds directly to a community mental health agency 38814
whose community mental health services satisfy the standards. 38815

(B) Each community mental health agency seeking certification 38816
of its community mental health services under this section shall 38817
pay a fee for the certification review required by this section. 38818
Fees shall be paid into the sale of goods and services fund 38819
created pursuant to section 5119.161 of the Revised Code. 38820

(C) The director may certify a community mental health 38821
service only if the service is for ~~individuals whose focus of~~ 38822
~~treatment is~~ or prevention of a mental disorder according to the 38823
edition of the American psychiatric association's diagnostic and 38824
statistical manual of mental disorders that is current at the time 38825
the director issues the certification, ~~including such services for~~ 38826
~~individuals who have a mental disorder and a co-occurring~~ 38827
~~substance use disorder, substance induced disorder, chronic~~ 38828
~~dementing organic mental disorder, mental retardation, or~~ 38829
~~developmental disability. The director may not certify a service~~ 38830
~~that is for individuals whose focus of treatment is solely, except~~ 38831
that the director may not certify a service that is for treatment 38832
or prevention of any of the following, even if it appears in the 38833
manual as a mental disorder: a substance use disorder, 38834
substance-induced disorder, chronic dementing organic mental 38835
disorder, mental retardation, or developmental disability. In the 38836
case of an individual who requires services for the treatment or 38837
prevention of both one or more mental disorders for which the 38838
department may certify services and one or more mental disorders 38839
services for which the department may not certify services, the 38840
department may certify only the portion of the services for which 38841
certification is permitted by this section. 38842

(D) The director shall adopt rules in accordance with Chapter 38843
119. of the Revised Code to implement this section. The rules 38844
shall do all of the following: 38845

(1) Establish certification standards for community mental 38846
health services, including assertive community treatment and 38847
intensive home-based mental health services, that are consistent 38848
with nationally recognized applicable standards and facilitate 38849
participation in federal assistance programs. The rules shall 38850
include as certification standards only requirements that improve 38851
the quality of services or the health and safety of clients of 38852
community mental health services. The standards shall address at a 38853
minimum all of the following: 38854

(a) Reporting major unusual incidents to the director; 38855

(b) Procedures for applicants for and clients of community 38856
mental health services to file grievances and complaints; 38857

(c) Seclusion; 38858

(d) Restraint; 38859

(e) Development of written policies addressing the rights of 38860
clients, including all of the following: 38861

(i) The right to a copy of the written policies addressing 38862
client rights; 38863

(ii) The right at all times to be treated with consideration 38864
and respect for the client's privacy and dignity; 38865

(iii) The right to have access to the client's own 38866
psychiatric, medical, or other treatment records unless access is 38867
specifically restricted in the client's treatment plan for clear 38868
treatment reasons; 38869

(iv) The right to have a client rights officer provided by 38870
the agency or board of alcohol, drug addiction, and mental health 38871
services advise the client of the client's rights, including the 38872

client's rights under Chapter 5122. of the Revised Code if the 38873
client is committed to the agency or board. 38874

(2) Establish standards for qualifications of mental health 38875
professionals as defined in section 340.02 of the Revised Code and 38876
personnel who provide the community mental health services; 38877

(3) Establish the process for certification of community 38878
mental health services; 38879

(4) Set the amount of certification review fees based on a 38880
portion of the cost of performing the review; 38881

(5) Specify the type of notice and hearing to be provided 38882
prior to a decision on whether to reallocate funds. 38883

Sec. 5120.03. (A) ~~Subject to division (C) of this section,~~ 38884
~~the~~ The director of rehabilitation and correction, by executive 38885
order and with the approval of the governor, may change the 38886
purpose for which any institution or place under the control of 38887
the department of rehabilitation and correction is being used. The 38888
director may designate a new or another use for such institution, 38889
if the change of use and new designation has for its objective, 38890
improvement in the classification, segregation, care, education, 38891
cure, or rehabilitation of persons subject to the control of the 38892
department. 38893

(B) The director of rehabilitation and correction, by 38894
executive order, issued on or before December 31, 1988, shall 38895
eliminate the distinction between penal institutions and 38896
reformatory institutions. Notwithstanding any provision of the 38897
Revised Code or the Administrative Code to the contrary, upon the 38898
issuance of the executive order, any distinction made between the 38899
types of prisoners sentenced to or otherwise assigned to the 38900
institutions under the control of the department shall be 38901
discontinued. 38902

(C) The director ~~shall~~ may contract under section 9.06 of the Revised Code for the private operation and management of ~~not less than two facilities~~ a facility under the control of the department, ~~unless the contractor managing and operating a facility is not in substantial compliance with the material terms and conditions of its contract and no other person or entity is willing and able to satisfy the obligations of the contract.~~ All inmates assigned to a facility operated and managed by a private contractor remain inmates in the care and custody of the department. The statutes, rules, and policies of the department may apply to the private contractor and any inmate assigned to a facility operated and managed by a private contractor as agreed to in the contract entered into under section 9.06 of the Revised Code.

Sec. 5123.01. As used in this chapter:

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

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

(C) "Comprehensive evaluation" means a study, including a sequence of observations and examinations, of a person leading to conclusions and recommendations formulated jointly, with dissenting opinions if any, by a group of persons with special

training and experience in the diagnosis and management of persons 38934
with mental retardation or a developmental disability, which group 38935
shall include individuals who are professionally qualified in the 38936
fields of medicine, psychology, and social work, together with 38937
such other specialists as the individual case may require. 38938

(D) "Education" means the process of formal training and 38939
instruction to facilitate the intellectual and emotional 38940
development of residents. 38941

(E) "Habilitation" means the process by which the staff of 38942
the institution assists the resident in acquiring and maintaining 38943
those life skills that enable the resident to cope more 38944
effectively with the demands of the resident's own person and of 38945
the resident's environment and in raising the level of the 38946
resident's physical, mental, social, and vocational efficiency. 38947
Habilitation includes but is not limited to programs of formal, 38948
structured education and training. 38949

(F) "Health officer" means any public health physician, 38950
public health nurse, or other person authorized or designated by a 38951
city or general health district. 38952

(G) "Home and community-based services" means medicaid-funded 38953
home and community-based services specified in division (B)(1) of 38954
section 5111.87 of the Revised Code provided under the medicaid 38955
waiver components the department of mental retardation and 38956
developmental disabilities administers pursuant to section 38957
5111.871 of the Revised Code. 38958

(H) "Indigent person" means a person who is unable, without 38959
substantial financial hardship, to provide for the payment of an 38960
attorney and for other necessary expenses of legal representation, 38961
including expert testimony. 38962

(I) "Institution" means a public or private facility, or a 38963
part of a public or private facility, that is licensed by the 38964

appropriate state department and is equipped to provide 38965
residential habilitation, care, and treatment for the mentally 38966
retarded. 38967

(J) "Licensed physician" means a person who holds a valid 38968
certificate issued under Chapter 4731. of the Revised Code 38969
authorizing the person to practice medicine and surgery or 38970
osteopathic medicine and surgery, or a medical officer of the 38971
government of the United States while in the performance of the 38972
officer's official duties. 38973

(K) "Managing officer" means a person who is appointed by the 38974
director of mental retardation and developmental disabilities to 38975
be in executive control of an institution for the mentally 38976
retarded under the jurisdiction of the department. 38977

(L) "Medicaid" has the same meaning as in section 5111.01 of 38978
the Revised Code. 38979

(M) "Medicaid case management services" means case management 38980
services provided to an individual with mental retardation or 38981
other developmental disability that the state medicaid plan 38982
requires. 38983

(N) "Mentally retarded person" means a person having 38984
significantly subaverage general intellectual functioning existing 38985
concurrently with deficiencies in adaptive behavior, manifested 38986
during the developmental period. 38987

(O) "Mentally retarded person subject to institutionalization 38988
by court order" means a person eighteen years of age or older who 38989
is at least moderately mentally retarded and in relation to whom, 38990
because of the person's retardation, either of the following 38991
conditions exist: 38992

(1) The person represents a very substantial risk of physical 38993
impairment or injury to self as manifested by evidence that the 38994
person is unable to provide for and is not providing for the 38995

person's most basic physical needs and that provision for those needs is not available in the community; 38996
38997

(2) The person needs and is susceptible to significant habilitation in an institution. 38998
38999

(P) "A person who is at least moderately mentally retarded" means a person who is found, following a comprehensive evaluation, to be impaired in adaptive behavior to a moderate degree and to be functioning at the moderate level of intellectual functioning in accordance with standard measurements as recorded in the most current revision of the manual of terminology and classification in mental retardation published by the American association on mental retardation. 39000
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(Q) 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. 39008
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"Developmental disability" means a severe, chronic disability that is characterized by all of the following: 39012
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(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. 39014
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(2) It is manifested before age twenty-two. 39018

(3) It is likely to continue indefinitely. 39019

(4) It results in one of the following: 39020

(a) In the case of a person under three years of age, at least one developmental delay or an established risk; 39021
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(b) In the case of a person at least three years of age but under six years of age, at least two developmental delays or an established risk; 39023
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39025

(c) In the case of a person six years of age 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 sixteen years of age, capacity for economic self-sufficiency.

(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.

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

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

(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 39058
person shall be considered as though the person were residing in 39059
the county in which the person was living prior to the person's 39060
entrance into the institution or home. Settlement once acquired 39061
shall continue until a person has been continuously absent from 39062
Ohio for a period of one year or has acquired a legal residence in 39063
another state. A woman who marries a man with legal settlement in 39064
any county immediately acquires the settlement of her husband. The 39065
legal settlement of a minor is that of the parents, surviving 39066
parent, sole parent, parent who is designated the residential 39067
parent and legal custodian by a court, other adult having 39068
permanent custody awarded by a court, or guardian of the person of 39069
the minor, provided that: 39070

(1) A minor female who marries shall be considered to have 39071
the legal settlement of her husband and, in the case of death of 39072
her husband or divorce, she shall not thereby lose her legal 39073
settlement obtained by the marriage. 39074

(2) A minor male who marries, establishes a home, and who has 39075
resided in this state for one year without receiving general 39076
assistance prior to July 17, 1995, under former Chapter 5113. of 39077
the Revised Code, financial assistance under Chapter 5115. of the 39078
Revised Code, or assistance from a private agency that maintains 39079
records of assistance given shall be considered to have obtained a 39080
legal settlement in this state. 39081

(3) The legal settlement of a child under eighteen years of 39082
age who is in the care or custody of a public or private child 39083
caring agency shall not change if the legal settlement of the 39084
parent changes until after the child has been in the home of the 39085
parent for a period of one year. 39086

No person, adult or minor, may establish a legal settlement 39087
in this state for the purpose of gaining admission to any state 39088
institution. 39089

(U)(1) "Resident" means, subject to division (R)(2) of this section, a person who is admitted either voluntarily or involuntarily to an institution or other facility pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter who is under observation or receiving habilitation and care in an institution.

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

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

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

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

(Y) "Court" means the probate division of the court of common pleas.

(Z) "Supported living" has the same meaning as in section 5126.01 of the Revised Code.

Sec. 5123.033. The program fee fund is hereby created in the 39120
state treasury. All fees collected pursuant to sections 5123.161, 39121
5123.164, 5123.19, and 5126.25 of the Revised Code shall be 39122
credited to the fund. Money credited to the fund shall be used 39123
solely for the department of mental retardation and developmental 39124
disabilities' duties under sections 5123.16 to 5123.169, 5123.19, 39125
and 5126.25 of the Revised Code and to provide continuing 39126
education and professional training to employees of county boards 39127
of mental retardation and developmental disabilities for the 39128
purpose of section 5126.25 of the Revised Code and other providers 39129
of services to individuals with mental retardation or a 39130
developmental disability. If the money credited to the fund is 39131
inadequate to pay all of the department's costs in performing 39132
those duties and providing the continuing education and 39133
professional training, the department may use other available 39134
funds appropriated to the department to pay the remaining costs of 39135
performing those duties and providing the continuing education and 39136
professional training. 39137

Sec. 5123.043. (A) The director of mental retardation and 39138
developmental disabilities shall adopt rules establishing 39139
procedures for administrative resolution of complaints filed under 39140
division (B) of this section and section 5126.06 of the Revised 39141
Code. The rules shall be adopted in accordance with Chapter 119. 39142
of the Revised Code. 39143

(B) Except as provided in division (C) of this section, any 39144
person or county board of mental retardation and developmental 39145
disabilities that has a complaint involving any of the programs, 39146
services, policies, or administrative practices of the department 39147
of mental retardation and developmental disabilities or any of the 39148
entities under contract with the department, may file a complaint 39149
with the department. Prior to commencing a civil action regarding 39150

the complaint, a person or county board shall attempt to have the 39151
complaint resolved through the administrative resolution process 39152
established in the rules adopted under this section. After 39153
exhausting the administrative resolution process, the person or 39154
county board may commence a civil action if the complaint is not 39155
settled to the person's or county board's satisfaction. 39156

(C) An employee of the department may not file under this 39157
section a complaint related to the terms and conditions of 39158
employment for the employee. 39159

~~(D) This section does not apply to a conflict between a 39160
county board of mental retardation and developmental disabilities 39161
and a person or government entity that provides or seeks to 39162
provide services to an individual with mental retardation or other 39163
developmental disability. Section 5126.036 of the Revised Code 39164
applies to such a conflict. 39165~~

Sec. 5123.045. No person or government entity shall receive 39166
payment for providing home and community-based services unless the 39167
person or government entity is one of the following: 39168

(A) Certified under section ~~5123.16~~ 5123.161 of the Revised 39169
Code; 39170

(B) Licensed as a residential facility under section 5123.19 39171
of the Revised Code. 39172

Sec. 5123.0414. (A) When the director of mental retardation 39173
and developmental disabilities, under section 119.07 of the 39174
Revised Code, sends a party a notice by registered mail, return 39175
receipt requested, that the director intends to take action 39176
against the party authorized by section 5123.082, 5123.166, 39177
5123.168, 5123.19, 5123.45, 5123.51, or 5126.25 of the Revised 39178
Code and the notice is returned to the director with an 39179
endorsement indicating that the notice was refused or unclaimed, 39180

the director shall resend the notice by ordinary mail to the 39181
party. 39182

(B) If the original notice was refused, the notice shall be 39183
deemed received as of the date the director resends the notice. 39184

(C) If the original notice was unclaimed, the notice shall be 39185
deemed received as of the date the director resends the notice 39186
unless, not later than thirty days after the date the director 39187
sent the original notice, the resent notice is returned to the 39188
director for failure of delivery. 39189

If the notice concerns taking action under section 5123.51 of 39190
the Revised Code and the resent notice is returned to the director 39191
for failure of delivery not later than thirty days after the date 39192
the director sent the original notice, the director shall cause 39193
the notice to be published in a newspaper of general circulation 39194
in the county of the party's last known residence or business and 39195
shall mail a dated copy of the published notice to the party at 39196
the last known address. The notice shall be deemed received as of 39197
the date of the publication. 39198

If the notice concerns taking action under section 5123.082, 39199
5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised 39200
Code and the resent notice is returned to the director for failure 39201
of delivery not later than thirty days after the date the director 39202
sent the original notice, the director shall resend the notice to 39203
the party a second time. The notice shall be deemed received as of 39204
the date the director resends the notice the second time. 39205

Sec. 5123.0415. As used in this section, "license" means a 39206
license, certificate, or evidence of registration. 39207

Each person and government entity that applies for or holds a 39208
valid license issued under section 5123.082, 5123.161, 5123.19, 39209
5123.45, 5126.25, or 5126.252 of the Revised Code shall notify the 39210

director of mental retardation and developmental disabilities of 39211
any change in the person or government entity's address. 39212

Sec. 5123.051. (A) If the department of mental retardation 39213
and developmental disabilities determines pursuant to an audit 39214
conducted under section 5123.05 of the Revised Code or a 39215
reconciliation conducted under section 5123.18 ~~or 5123.199~~ of the 39216
Revised Code that money is owed the state by a provider of a 39217
service or program, the department may enter into a payment 39218
agreement with the provider. The agreement shall include the 39219
following: 39220

(1) A schedule of installment payments whereby the money owed 39221
the state is to be paid in full within a period not to exceed one 39222
year; 39223

(2) A provision that the provider may pay the entire balance 39224
owed at any time during the term of the agreement; 39225

(3) A provision that if any installment is not paid in full 39226
within forty-five days after it is due, the entire balance owed is 39227
immediately due and payable; 39228

(4) Any other terms and conditions that are agreed to by the 39229
department and the provider. 39230

(B) The department may include a provision in a payment 39231
agreement that requires the provider to pay interest on the money 39232
owed the state. The department, in its discretion, shall determine 39233
whether to require the payment of interest and, if it so requires, 39234
the rate of interest. Neither the obligation to pay interest nor 39235
the rate of interest is subject to negotiation between the 39236
department and the provider. 39237

(C) If the provider fails to pay any installment in full 39238
within forty-five days after its due date, the department shall 39239
certify the entire balance owed to the attorney general for 39240

collection under section 131.02 of the Revised Code. The 39241
department may withhold funds from payments made to a provider 39242
under section 5123.18 ~~or 5123.199~~ of the Revised Code to satisfy a 39243
judgment secured by the attorney general. 39244

(D) The purchase of service fund is hereby created. Money 39245
credited to the fund shall be used solely for purposes of section 39246
5123.05 of the Revised Code. 39247

Sec. 5123.16. (A) As used in sections 5123.16 to 5123.169 of 39248
the Revised Code: 39249

(1) "Provider" means a person or government entity certified 39250
by the director of mental retardation and developmental 39251
disabilities to provide supported living. 39252

(2) "Related party" means any of the following: 39253

(a) In the case of a provider who is an individual, any of 39254
the following: 39255

(i) The spouse of the provider; 39256

(ii) A parent or stepparent of the provider or provider's 39257
spouse; 39258

(iii) A child of the provider or provider's spouse; 39259

(iv) A sibling, half sibling, or stepsibling of the provider 39260
or provider's spouse; 39261

(v) A grandparent of the provider or provider's spouse; 39262

(vi) A grandchild of the provider or provider's spouse; 39263

(vii) An employee or employer of the provider or provider's 39264
spouse. 39265

(b) In the case of a provider that is a person other than an 39266
individual, any of the following: 39267

(i) An employee of the person; 39268

<u>(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;</u>	39269
	39270
	39271
<u>(iii) A member of the provider's board of directors or trustees;</u>	39272
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<u>(iv) A person owning a financial interest of five per cent or more in the provider;</u>	39274
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<u>(v) A corporation that has a subsidiary relationship with the provider;</u>	39276
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<u>(vi) A person or government entity that has control over the provider's day-to-day operation;</u>	39278
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<u>(vii) A person over which the provider has control of the day-to-day operation.</u>	39280
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<u>(c) In the case of a provider that is a government entity, any of the following:</u>	39282
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<u>(i) An employee of the provider;</u>	39284
<u>(ii) An officer of the provider;</u>	39285
<u>(iii) A member of the provider's governing board;</u>	39286
<u>(iv) A government entity that has control over the provider's day-to-day operation;</u>	39287
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<u>(v) A person or government entity over which the provider has control of the day-to-day operation.</u>	39289
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<u>(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of mental retardation and developmental disabilities.</u>	39291
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<u>(C) A county board of mental retardation and developmental disabilities may provide supported living only to the extent permitted by rules adopted under section 5123.169 of the Revised Code.</u>	39294
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Sec. 5123.161. A person or government entity that seeks to provide supported living shall apply to the director of mental retardation and developmental disabilities for a supported living certificate. 39298
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Except as provided in section 5123.166 of the Revised Code, the director shall issue the applicant a supported living certificate if the applicant follows the application process established in rules adopted under section 5123.169 of the Revised Code, meets the applicable certification standards established in those rules, and pays the certification fee established in those rules. 39302
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Sec. 5123.162. The director of mental retardation and developmental disabilities may conduct surveys of persons and government entities that seek a supported living certificate to determine whether the persons and government entities meet the certification standards. The director may also conduct surveys of providers to determine whether the providers continue to meet the certification standards. The director shall conduct the surveys in accordance with rules adopted under section 5123.169 of the Revised Code. 39309
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The records of surveys conducted under this section are public records for the purpose of section 149.43 of the Revised Code and shall be made available on the request of any person or government entity. 39318
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Sec. 5123.163. A supported living certificate is valid for a period of time established in rules adopted under section 5123.169 of the Revised Code, unless any of the following occur before the end of that period of time: 39322
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(A) The director of mental retardation and developmental disabilities issues an order requiring that action be taken 39326
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against the certificate holder under section 5123.166 of the 39328
Revised Code. 39329

(B) The director issues an order terminating the certificate 39330
under section 5123.168 of the Revised Code. 39331

(C) The certificate holder voluntarily surrenders the 39332
certificate to the director. 39333

Sec. 5123.164. Except as provided in section 5123.166 of the 39334
Revised Code, the director of mental retardation and developmental 39335
disabilities shall renew a supported living certificate if the 39336
certificate holder follows the renewal process established in 39337
rules adopted under section 5123.169 of the Revised Code, 39338
continues to meet the applicable certification standards 39339
established in those rules, and pays the renewal fee established 39340
in those rules. 39341

Sec. 5123.165. (A) Except as provided in division (B) of this 39342
section, no person or government entity may provide supported 39343
living to an individual with mental retardation or a developmental 39344
disability if the person or government entity or a related party 39345
of the person or government entity also provides the individual a 39346
residence. 39347

(B) A person may provide supported living to an individual 39348
with mental retardation or a developmental disability even though 39349
the person or a related party of the person also provides the 39350
individual a residence if either of the following apply: 39351

(1) The person also resides in the residence with the 39352
individual and does not provide at any one time supported living 39353
to more than a total of three individuals with mental retardation 39354
or a developmental disability who reside in that residence; 39355

(2) The person is an association of family members related to 39356
two or more of the individuals with mental retardation or a 39357

developmental disability who reside in the residence and does not 39358
provide at any one time supported living to more than a total of 39359
four individuals with mental retardation or a developmental 39360
disability who reside in that residence. 39361

Sec. 5123.166. (A) If good cause exists as specified in 39362
division (B) of this section and determined in accordance with 39363
procedures established in rules adopted under section 5123.169 of 39364
the Revised Code, the director of mental retardation and 39365
developmental disabilities may issue an adjudication order 39366
requiring that one of the following actions be taken against a 39367
person or government entity seeking or holding a supported living 39368
certificate: 39369

(1) Refusal to issue or renew a supported living certificate; 39370

(2) Revocation of a supported living certificate; 39371

(3) Suspension of a supported living certificate holder's 39372
authority to do either or both of the following: 39373

(a) Continue to provide supported living to one or more 39374
individuals from one or more counties who receive supported living 39375
from the certificate holder at the time the director takes the 39376
action; 39377

(b) Begin to provide supported living to one or more 39378
individuals from one or more counties who do not receive supported 39379
living from the certificate holder at the time the director takes 39380
the action. 39381

(B) The following constitute good cause for taking action 39382
under division (A) of this section against a person or government 39383
entity seeking or holding a supported living certificate: 39384

(1) The person or government entity's failure to meet or 39385
continue to meet the applicable certification standards 39386
established in rules adopted under section 5123.169 of the Revised 39387

<u>Code;</u>	39388
<u>(2) The person or government entity violates section 5123.165 of the Revised Code;</u>	39389 39390
<u>(3) The person or government entity's failure to satisfy the requirements of section 5123.52, 5126.28, or 5126.281 of the Revised Code;</u>	39391 39392 39393
<u>(4) Misfeasance;</u>	39394
<u>(5) Malfeasance;</u>	39395
<u>(6) Nonfeasance;</u>	39396
<u>(7) Confirmed abuse or neglect;</u>	39397
<u>(8) Financial irresponsibility;</u>	39398
<u>(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity.</u>	39399 39400 39401
<u>(C) Except as provided in division (D) of this section, the director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code.</u>	39402 39403 39404
<u>(D)(1) The director may issue an order requiring that action specified in division (A)(3) of this section be taken before a provider is provided notice and an opportunity for a hearing if all of the following are the case:</u>	39405 39406 39407 39408
<u>(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards;</u>	39409 39410 39411
<u>(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider;</u>	39412 39413 39414 39415
<u>(c) If the order will suspend the provider's authority to</u>	39416

continue to provide supported living to an individual who receives supported living from the provider at the time the director issues the order, both of the following are the case: 39417
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(i) The director makes the individual, or the individual's guardian, aware of the director's determination under division (D)(1)(b) of this section and the individual or guardian does not select another provider. 39420
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(ii) A county board of mental retardation and developmental disabilities has filed a complaint with a probate court under section 5123.33 of the Revised Code that includes facts describing the nature of abuse or neglect that the individual has suffered due to the provider's actions that are the basis for the director making the determination under division (D)(1)(b) of this section and the probate court does not issue an order authorizing the county board to arrange services for the individual pursuant to an individualized service plan developed for the individual under section 5123.31 of the Revised Code. 39424
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(2) If the director issues an order under division (D)(1) of this section, sections 119.091 to 119.13 of the Revised Code and all of the following apply: 39434
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(a) The director shall send the provider notice of the order by registered mail, return receipt requested, not later than twenty-four hours after issuing the order and shall include in the notice the reasons for the order, the citation to the law or rule directly involved, and a statement that the provider will be afforded a hearing if the provider requests it within ten days of the time of receiving the notice. 39437
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(b) If the provider requests a hearing within the required time and the provider has provided the director the provider's current address, the director shall immediately set, and notify the provider of, the date, time, and place for the hearing. 39444
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(c) The date of the hearing shall be not later than thirty days after the director receives the provider's timely request for the hearing. 39448
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(d) The hearing shall be conducted in accordance with section 119.09 of the Revised Code, except for all of the following: 39451
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(i) The hearing shall continue uninterrupted until its close, except for weekends, legal holidays, and other interruptions the provider and director agree to. 39453
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(ii) If the director appoints a referee or examiner to conduct the hearing, the referee or examiner, not later than ten days after the date the referee or examiner receives a transcript of the testimony and evidence presented at the hearing or, if the referee or examiner does not receive the transcript or no such transcript is made, the date that the referee or examiner closes the record of the hearing, shall submit to the director a written report setting forth the referee or examiner's findings of fact and conclusions of law and a recommendation of the action the director should take. 39456
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(iii) The provider may, not later than five days after the date the director, in accordance with section 119.09 of the Revised Code, sends the provider or the provider's attorney or other representative of record a copy of the referee or examiner's report and recommendation, file with the director written objections to the report and recommendation. 39466
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(iv) The director shall approve, modify, or disapprove the referee or examiner's report and recommendation not earlier than six days, and not later than fifteen days, after the date the director, in accordance with section 119.09 of the Revised Code, sends a copy of the report and recommendation to the provider or the provider's attorney or other representative of record. 39472
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(3) The director may lift an order issued under division 39478

(D)(1) of this section even though a hearing regarding the order 39479
is occurring or pending if the director determines that the 39480
provider has taken action eliminating the good cause for issuing 39481
the order. The hearing shall proceed unless the provider withdraws 39482
the request for the hearing in a written letter to the director. 39483

(4) The director shall lift an order issued under division 39484
(D)(1) of this section if both of the following are the case: 39485

(a) The provider provides the director a plan of compliance 39486
the director determines is acceptable. 39487

(b) The director determines that the provider has implemented 39488
the plan of compliance correctly. 39489

Sec. 5123.167. If the director of mental retardation and 39490
developmental disabilities issues an adjudication order under 39491
section 5123.166 of the Revised Code refusing to issue a supported 39492
living certificate to a person or government entity or to renew a 39493
person or government entity's supported living certificate, 39494
neither the person or government entity nor a related party of the 39495
person or government entity may apply for another supported living 39496
certificate earlier than the date that is one year after the date 39497
the order is issued. If the director issues an adjudication order 39498
under that section revoking a person or government entity's 39499
supported living certificate, neither the person or government 39500
entity nor a related party of the person or government entity may 39501
apply for another supported living certificate earlier than the 39502
date that is five years after the date the order is issued. 39503

Sec. 5123.168. The director of mental retardation and 39504
developmental disabilities may issue an adjudication order in 39505
accordance with Chapter 119. of the Revised Code to terminate a 39506
supported living certificate if the certificate holder has not 39507
billed for supported living for twelve consecutive months. 39508

Sec. 5123.169. The director of mental retardation and 39509
developmental disabilities shall adopt rules under Chapter 119. of 39510
the Revised Code establishing all of the following: 39511

(A) The extent to which a county board of mental retardation 39512
and developmental disabilities may provide supported living; 39513

(B) The application process for obtaining a supported living 39514
certificate under section 5123.161 of the Revised Code; 39515

(C) The certification standards a person or government entity 39516
must meet to obtain a supported living certificate to provide 39517
supported living; 39518

(D) The certification fee for a supported living certificate, 39519
which shall be deposited into the program fee fund created under 39520
section 5123.033 of the Revised Code; 39521

(E) The period of time a supported living certificate is 39522
valid; 39523

(F) The process for renewing a supported living certificate 39524
under section 5123.164 of the Revised Code; 39525

(G) The renewal fee for a supported living certificate, which 39526
shall be deposited into the program fee fund created under section 39527
5123.033 of the Revised Code; 39528

(H) Procedures for conducting surveys under section 5123.162 39529
of the Revised Code; 39530

(I) Procedures for determining whether there is good cause to 39531
take action under section 5123.166 of the Revised Code against a 39532
person or government entity seeking or holding a supported living 39533
certificate. 39534

Sec. 5123.19. (A) As used in this section and in sections 39535
5123.191, 5123.194, 5123.196, 5123.198, and 5123.20 of the Revised 39536
Code: 39537

(1)(a) "Residential facility" means a home or facility in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under section 5126.05 of the Revised Code, a county home or district home operated pursuant to Chapter 5155. of the Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

(b) "Intermediate care facility for the mentally retarded" means a residential facility that is considered an intermediate care facility for the mentally retarded for the purposes of Chapter 5111. of the Revised Code.

(2) "Political subdivision" means a municipal corporation, county, or township.

(3) "Independent living arrangement" means an arrangement in which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.

~~(4) "Supported living" has the same meaning as in section 5126.01 of the Revised Code.~~

~~(5) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.~~

(5) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the

definition of "related party" means a person or government entity 39569
that held or applied for a license to operate a residential 39570
facility, rather than a person or government entity certified to 39571
provide supported living. 39572

(B) Every person or government agency desiring to operate a 39573
residential facility shall apply for licensure of the facility to 39574
the director of mental retardation and developmental disabilities 39575
unless the residential facility is subject to section 3721.02, 39576
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding 39577
Chapter 3721. of the Revised Code, a nursing home that is 39578
certified as an intermediate care facility for the mentally 39579
retarded under Title XIX of the "Social Security Act," 79 Stat. 39580
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 39581
licensure of the portion of the home that is certified as an 39582
intermediate care facility for the mentally retarded. 39583

(C) Subject to section 5123.196 of the Revised Code, the 39584
director of mental retardation and developmental disabilities 39585
shall license the operation of residential facilities. An initial 39586
license shall be issued for a period that does not exceed one 39587
year, unless the director denies the license under division (D) of 39588
this section. A license shall be renewed for a period that does 39589
not exceed three years, unless the director refuses to renew the 39590
license under division (D) of this section. The director, when 39591
issuing or renewing a license, shall specify the period for which 39592
the license is being issued or renewed. A license remains valid 39593
for the length of the licensing period specified by the director, 39594
unless the license is terminated, revoked, or voluntarily 39595
surrendered. 39596

(D) If it is determined that an applicant or licensee is not 39597
in compliance with a provision of this chapter that applies to 39598
residential facilities or the rules adopted under such a 39599
provision, the director may deny issuance of a license, refuse to 39600

renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division ~~(J)~~(K) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division ~~(G)~~(H)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division ~~(G)~~(H)(2) of this section. The director shall lift the order when the director determines that the violation that

formed the basis for the order has been corrected. 39633

(5) If the director determines that two or more residential 39634
facilities owned or operated by the same person or government 39635
entity are not being operated in compliance with a provision of 39636
this chapter that applies to residential facilities or the rules 39637
adopted under such a provision, and the director's findings are 39638
based on the same or a substantially similar action, practice, 39639
circumstance, or incident that creates a substantial risk to the 39640
health and safety of the residents, the director shall conduct a 39641
survey as soon as practicable at each residential facility owned 39642
or operated by that person or government entity. The director may 39643
take any action authorized by this section with respect to any 39644
facility found to be operating in violation of a provision of this 39645
chapter that applies to residential facilities or the rules 39646
adopted under such a provision. 39647

(6) When the director initiates license revocation 39648
proceedings, no opportunity for submitting a plan of correction 39649
shall be given. The director shall notify the licensee by letter 39650
of the initiation of the proceedings. The letter shall list the 39651
deficiencies of the residential facility and inform the licensee 39652
that no plan of correction will be accepted. The director shall 39653
also ~~notify each affected resident, the resident's guardian if the~~ 39654
~~resident is an adult for whom a guardian has been appointed, the~~ 39655
~~resident's parent or guardian if the resident is a minor, and the~~ 39656
~~county board of mental retardation and developmental disabilities~~ 39657
send a copy of the letter to the county board of mental 39658
retardation and developmental disabilities. The county board shall 39659
send a copy of the letter to each of the following: 39660

(a) Each resident who receives services from the licensee; 39661

(b) The guardian of each resident who receives services from 39662
the licensee if the resident has a guardian; 39663

(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor. 39664
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(7) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents. 39666
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(8) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of mental retardation and developmental disabilities or other governmental agencies. 39671
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(9) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing. 39679
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(E) The director shall establish a program under which public notification may be made when the director has initiated license revocation proceedings or has issued an order for the suspension of admissions, placement of a monitor, or removal of residents. The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this division. The rules shall establish the procedures by which the public notification will be made and specify the circumstances for which the notification must be made. The rules shall require that public notification be made if the director has taken action against the facility in the eighteen-month period immediately preceding the director's latest action against the facility and the latest action is being taken 39684
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for the same or a substantially similar violation of a provision 39696
of this chapter that applies to residential facilities or the 39697
rules adopted under such a provision. The rules shall specify a 39698
method for removing or amending the public notification if the 39699
director's action is found to have been unjustified or the 39700
violation at the residential facility has been corrected. 39701

(F)(1) Except as provided in division (F)(2) of this section, 39702
appeals from proceedings initiated to impose a sanction under 39703
division (D) of this section shall be conducted in accordance with 39704
Chapter 119. of the Revised Code. 39705

(2) Appeals from proceedings initiated to order the 39706
suspension of admissions to a facility shall be conducted in 39707
accordance with Chapter 119. of the Revised Code, unless the order 39708
was issued before providing an opportunity for an adjudication, in 39709
which case all of the following apply: 39710

(a) The licensee may request a hearing not later than ten 39711
days after receiving the notice specified in section 119.07 of the 39712
Revised Code. 39713

(b) If a timely request for a hearing that includes the 39714
licensee's current address is made, the hearing shall commence not 39715
later than thirty days after the department receives the request. 39716

(c) After commencing, the hearing shall continue 39717
uninterrupted, except for Saturdays, Sundays, and legal holidays, 39718
unless other interruptions are agreed to by the licensee and the 39719
director. 39720

(d) If the hearing is conducted by a hearing examiner, the 39721
hearing examiner shall file a report and recommendations not later 39722
than ten days after the last of the following: 39723

(i) The close of the hearing; 39724

(ii) If a transcript of the proceedings is ordered, the 39725

hearing examiner receives the transcript; 39726

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 39727
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(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed. 39729
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(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations. 39733
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~~(f)~~(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations. 39736
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~~(g)~~(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected. 39740
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(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation. 39744
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(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities, including intermediate care facilities for the mentally retarded. The rules for intermediate care facilities for the mentally retarded may 39752
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differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Requirements for the training of residential facility personnel;

(6) Classifications for the various types of residential facilities;

(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;

(8) The maximum number of persons who may be served in a particular type of residential facility;

(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;

(10) Other standards for the operation of residential facilities and the services provided at residential facilities;

(11) Procedures for waiving any provision of any rule adopted under this section.

~~(H)~~(I) Before issuing a license, the director of the 39787
department or the director's designee shall conduct a survey of 39788
the residential facility for which application is made. The 39789
director or the director's designee shall conduct a survey of each 39790
licensed residential facility at least once during the period the 39791
license is valid and may conduct additional inspections as needed. 39792
A survey includes but is not limited to an on-site examination and 39793
evaluation of the residential facility, its personnel, and the 39794
services provided there. 39795

In conducting surveys, the director or the director's 39796
designee shall be given access to the residential facility; all 39797
records, accounts, and any other documents related to the 39798
operation of the facility; the licensee; the residents of the 39799
facility; and all persons acting on behalf of, under the control 39800
of, or in connection with the licensee. The licensee and all 39801
persons on behalf of, under the control of, or in connection with 39802
the licensee shall cooperate with the director or the director's 39803
designee in conducting the survey. 39804

Following each survey, unless the director initiates a 39805
license revocation proceeding, the director or the director's 39806
designee shall provide the licensee with a report listing any 39807
deficiencies, specifying a timetable within which the licensee 39808
shall submit a plan of correction describing how the deficiencies 39809
will be corrected, and, when appropriate, specifying a timetable 39810
within which the licensee must correct the deficiencies. After a 39811
plan of correction is submitted, the director or the director's 39812
designee shall approve or disapprove the plan. A copy of the 39813
report and any approved plan of correction shall be provided to 39814
any person who requests it. 39815

The director shall initiate disciplinary action against any 39816
department employee who notifies or causes the notification to any 39817
unauthorized person of an unannounced survey of a residential 39818

facility by an authorized representative of the department. 39819

~~(I)~~(J) In addition to any other information which may be 39820
required of applicants for a license pursuant to this section, the 39821
director shall require each applicant to provide a copy of an 39822
approved plan for a proposed residential facility pursuant to 39823
section 5123.042 of the Revised Code. This division does not apply 39824
to renewal of a license. 39825

~~(J)~~(K) A licensee shall notify the owner of the building in 39826
which the licensee's residential facility is located of any 39827
significant change in the identity of the licensee or management 39828
contractor before the effective date of the change if the licensee 39829
is not the owner of the building. 39830

Pursuant to rules which shall be adopted in accordance with 39831
Chapter 119. of the Revised Code, the director may require 39832
notification to the department of any significant change in the 39833
ownership of a residential facility or in the identity of the 39834
licensee or management contractor. If the director determines that 39835
a significant change of ownership is proposed, the director shall 39836
consider the proposed change to be an application for development 39837
by a new operator pursuant to section 5123.042 of the Revised Code 39838
and shall advise the applicant within sixty days of the 39839
notification that the current license shall continue in effect or 39840
a new license will be required pursuant to this section. If the 39841
director requires a new license, the director shall permit the 39842
facility to continue to operate under the current license until 39843
the new license is issued, unless the current license is revoked, 39844
refused to be renewed, or terminated in accordance with Chapter 39845
119. of the Revised Code. 39846

~~(K)~~(L) A county board of mental retardation and developmental 39847
disabilities, the legal rights service, and any interested person 39848
may file complaints alleging violations of statute or department 39849
rule relating to residential facilities with the department. All 39850

complaints shall be in writing and shall state the facts 39851
constituting the basis of the allegation. The department shall not 39852
reveal the source of any complaint unless the complainant agrees 39853
in writing to waive the right to confidentiality or until so 39854
ordered by a court of competent jurisdiction. 39855

The department shall adopt rules in accordance with Chapter 39856
119. of the Revised Code establishing procedures for the receipt, 39857
referral, investigation, and disposition of complaints filed with 39858
the department under this division. 39859

~~(L)~~(M) The department shall establish procedures for the 39860
notification of interested parties of the transfer or interim care 39861
of residents from residential facilities that are closing or are 39862
losing their license. 39863

~~(M)~~(N) Before issuing a license under this section to a 39864
residential facility that will accommodate at any time more than 39865
one mentally retarded or developmentally disabled individual, the 39866
director shall, by first class mail, notify the following: 39867

(1) If the facility will be located in a municipal 39868
corporation, the clerk of the legislative authority of the 39869
municipal corporation; 39870

(2) If the facility will be located in unincorporated 39871
territory, the clerk of the appropriate board of county 39872
commissioners and the fiscal officer of the appropriate board of 39873
township trustees. 39874

The director shall not issue the license for ten days after 39875
mailing the notice, excluding Saturdays, Sundays, and legal 39876
holidays, in order to give the notified local officials time in 39877
which to comment on the proposed issuance. 39878

Any legislative authority of a municipal corporation, board 39879
of county commissioners, or board of township trustees that 39880
receives notice under this division of the proposed issuance of a 39881

license for a residential facility may comment on it in writing to 39882
the director within ten days after the director mailed the notice, 39883
excluding Saturdays, Sundays, and legal holidays. If the director 39884
receives written comments from any notified officials within the 39885
specified time, the director shall make written findings 39886
concerning the comments and the director's decision on the 39887
issuance of the license. If the director does not receive written 39888
comments from any notified local officials within the specified 39889
time, the director shall continue the process for issuance of the 39890
license. 39891

~~(N)~~(O) Any person may operate a licensed residential facility 39892
that provides room and board, personal care, habilitation 39893
services, and supervision in a family setting for at least six but 39894
not more than eight persons with mental retardation or a 39895
developmental disability as a permitted use in any residential 39896
district or zone, including any single-family residential district 39897
or zone, of any political subdivision. These residential 39898
facilities may be required to comply with area, height, yard, and 39899
architectural compatibility requirements that are uniformly 39900
imposed upon all single-family residences within the district or 39901
zone. 39902

~~(O)~~(P) Any person may operate a licensed residential facility 39903
that provides room and board, personal care, habilitation 39904
services, and supervision in a family setting for at least nine 39905
but not more than sixteen persons with mental retardation or a 39906
developmental disability as a permitted use in any multiple-family 39907
residential district or zone of any political subdivision, except 39908
that a political subdivision that has enacted a zoning ordinance 39909
or resolution establishing planned unit development districts may 39910
exclude these residential facilities from those districts, and a 39911
political subdivision that has enacted a zoning ordinance or 39912
resolution may regulate these residential facilities in 39913

multiple-family residential districts or zones as a conditionally 39914
permitted use or special exception, in either case, under 39915
reasonable and specific standards and conditions set out in the 39916
zoning ordinance or resolution to: 39917

(1) Require the architectural design and site layout of the 39918
residential facility and the location, nature, and height of any 39919
walls, screens, and fences to be compatible with adjoining land 39920
uses and the residential character of the neighborhood; 39921

(2) Require compliance with yard, parking, and sign 39922
regulation; 39923

(3) Limit excessive concentration of these residential 39924
facilities. 39925

~~(P)~~(O) This section does not prohibit a political subdivision 39926
from applying to residential facilities nondiscriminatory 39927
regulations requiring compliance with health, fire, and safety 39928
regulations and building standards and regulations. 39929

~~(Q)~~(R) Divisions ~~(N)~~(O) and ~~(O)~~(P) of this section are not 39930
applicable to municipal corporations that had in effect on June 39931
15, 1977, an ordinance specifically permitting in residential 39932
zones licensed residential facilities by means of permitted uses, 39933
conditional uses, or special exception, so long as such ordinance 39934
remains in effect without any substantive modification. 39935

~~(R)~~(S)(1) The director may issue an interim license to 39936
operate a residential facility to an applicant for a license under 39937
this section if either of the following is the case: 39938

(a) The director determines that an emergency exists 39939
requiring immediate placement of persons in a residential 39940
facility, that insufficient licensed beds are available, and that 39941
the residential facility is likely to receive a permanent license 39942
under this section within thirty days after issuance of the 39943
interim license. 39944

(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 39945
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(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license. 39948
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(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred fifty days. 39953
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(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses. 39956
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~~(S)~~(T) Notwithstanding rules adopted pursuant to this section establishing the maximum number of persons who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of persons being served by the facility on the effective date of the rules or the number of persons for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of mental retardation and developmental disabilities and which is in the review process prior to April 4, 1986. 39959
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~~(T)~~(U) The director or the director's designee may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section. 39969
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The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for 39974
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an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or governmental agency named in the petition is operating a residential facility without a license. The court may grant the injunction, regardless of whether the residential facility meets the requirements for receiving a license under this section.

Sec. 5123.196. (A) Except as provided in division (F) of this section, the director of mental retardation and developmental disabilities shall not issue a license under section 5123.19 of the Revised Code on or after July 1, 2003, if issuance will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section.

(B) Except as provided in division (D) of this section, the maximum number of beds for the purpose of division (A) of this section shall not exceed ten thousand eight hundred thirty-eight minus, except as provided in division (C) of this section, both of the following:

(1) The number of such beds that cease to be residential facility beds on or after July 1, 2003, because a residential facility license is revoked, terminated, or not renewed for any reason or is surrendered in accordance with section 5123.19 of the Revised Code and after the issuance of an adjudication order pursuant to Chapter 119. of the Revised Code;

(2) The number of such beds for which a licensee voluntarily converts to use for supported living on or after July 1, 2003.

(C) The director is not required to reduce the maximum number of beds pursuant to division (B) of this section by a bed that ceases to be a residential facility bed if the director determines that the bed is needed to provide services to an individual with

mental retardation or a developmental disability who resided in 40007
the residential facility in which the bed was located unless the 40008
reason the bed ceases to be a residential facility bed is because 40009
it is converted to providing home and community-based services 40010
under the ICF/MR conversion pilot program that is authorized by a 40011
waiver sought under division (B)(1) of section 5111.88 of the 40012
Revised Code. 40013

(D) The director shall increase the number of beds determined 40014
under division (B) of this section if necessary to enable the 40015
operator of a residential facility to do either of the following: 40016

(1) Obtain a residential facility license as required by 40017
section 5111.8814 of the Revised Code; 40018

(2) Reconvert beds to providing ICF/MR services under section 40019
5111.8811 of the Revised Code. 40020

(E) The director shall maintain an up-to-date written record 40021
of the maximum number of residential facility beds provided for by 40022
division (B) of this section. 40023

(F) The director may issue an interim license under division 40024
~~(R)~~(S) of section 5123.19 of the Revised Code and issue, pursuant 40025
to rules adopted under division ~~(G)~~(H)(11) of that section, a 40026
waiver allowing a residential facility to admit more residents 40027
than the facility is licensed to admit regardless of whether the 40028
interim license or waiver will result in there being more beds in 40029
all residential facilities licensed under that section than is 40030
permitted under division (B) of this section. 40031

Sec. 5123.198. (A) As used in this section, "date of the 40032
commitment" means the date that an individual specified in 40033
division (B) of this section begins to reside in a state-operated 40034
intermediate care facility for the mentally retarded after being 40035
committed to the facility pursuant to sections 5123.71 to 5123.76 40036

of the Revised Code. 40037

(B) Except as provided in division (C) of this section, 40038
whenever a resident of a residential facility is committed to a 40039
state-operated intermediate care facility for the mentally 40040
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 40041
Code, the department of mental retardation and developmental 40042
disabilities, pursuant to an adjudication order issued in 40043
accordance with Chapter 119. of the Revised Code, shall reduce by 40044
one the number of residents for which the facility in which the 40045
resident resided is licensed. 40046

(C) The department shall not reduce under division (B) of 40047
this section the number of residents for which a residential 40048
facility is licensed if any of the following are the case: 40049

(1) The resident of the residential facility who is committed 40050
to a state-operated intermediate care facility for the mentally 40051
retarded resided in the residential facility because of the 40052
closure, on or after ~~the effective date of this section~~ June 26, 40053
2003, of another state-operated intermediate care facility for the 40054
mentally retarded; 40055

(2) The residential facility admits within ninety days of the 40056
date of the commitment an individual who resides on the date of 40057
the commitment in a state-operated intermediate care facility for 40058
the mentally retarded or another residential facility; 40059

(3) The department fails to do either of the following within 40060
ninety days of the date of the commitment: 40061

(a) Identify an individual to whom all of the following 40062
applies: 40063

(i) Resides on the date of the commitment in a state-operated 40064
intermediate care facility for the mentally retarded or another 40065
residential facility; 40066

(ii) Has indicated to the department an interest in 40067
relocating to the residential facility or has a parent or guardian 40068
who has indicated to the department an interest for the individual 40069
to relocate to the residential facility; 40070

(iii) The department determines the individual has needs that 40071
the residential facility can meet. 40072

(b) Provide the residential facility with information about 40073
the individual identified under division (C)(2)(a) of this section 40074
that the residential facility needs in order to determine whether 40075
the facility can meet the individual's needs. 40076

(4) If the department completes the actions specified in 40077
divisions (C)(3)(a) and (b) of this section not later than ninety 40078
days after the date of the commitment and except as provided in 40079
division (D) of this section, the residential facility does all of 40080
the following not later than ninety days after the date of the 40081
commitment: 40082

(a) Evaluates the information provided by the department; 40083

(b) Assesses the identified individual's needs; 40084

(c) Determines that the residential facility cannot meet the 40085
identified individual's needs. 40086

(5) If the department completes the actions specified in 40087
divisions (C)(3)(a) and (b) of this section not later than ninety 40088
days after the date of the commitment and the residential facility 40089
determines that the residential facility can meet the identified 40090
individual's needs, the individual, or a parent or guardian of the 40091
individual, refuses placement in the residential facility. 40092

(D) The department may reduce under division (B) of this 40093
section the number of residents for which a residential facility 40094
is licensed even though the residential facility completes the 40095
actions specified in division (C)(4) of this section not later 40096

than ninety days after the date of the commitment if all of the 40097
following are the case: 40098

(1) The department disagrees with the residential facility's 40099
determination that the residential facility cannot meet the 40100
identified individual's needs. 40101

(2) The department issues a written decision pursuant to the 40102
uniform procedures for admissions, transfers, and discharges 40103
established by rules adopted under division ~~(G)~~(H)(9) of section 40104
5123.19 of the Revised Code that the residential facility should 40105
admit the identified individual. 40106

(3) After the department issues the written decision 40107
specified in division (D)(2) of this section, the residential 40108
facility refuses to admit the identified individual. 40109

(E) A residential facility that admits, refuses to admit, 40110
transfers, or discharges a resident under this section shall 40111
comply with the uniform procedures for admissions, transfers, and 40112
discharges established by rules adopted under division ~~(G)~~(H)(9) 40113
of section 5123.19 of the Revised Code. 40114

(F) The department of mental retardation and developmental 40115
disabilities may notify the department of job and family services 40116
of any reduction under this section in the number of residents for 40117
which a residential facility that is an intermediate care facility 40118
for the mentally retarded is licensed. On receiving the notice, 40119
the department of job and family services may transfer to the 40120
department of mental retardation and developmental disabilities 40121
the savings in the nonfederal share of medicaid expenditures for 40122
each fiscal year after the year of the commitment to be used for 40123
costs of the resident's care in the state-operated intermediate 40124
care facility for the mentally retarded. In determining the amount 40125
saved, the department of job and family services shall consider 40126
medicaid payments for the remaining residents of the facility in 40127

which the resident resided. 40128

~~Sec. 5123.20. As used in this section, "supported living" has 40129
the same meaning as in section 5126.01 of the Revised Code. 40130~~

No person or government agency shall operate a residential 40131
facility or receive a mentally retarded or developmentally 40132
disabled person as a resident of a residential facility unless the 40133
facility is licensed under section 5123.19 of the Revised Code, 40134
and no person or governmental agency shall operate a respite care 40135
home or receive a mentally retarded or developmentally disabled 40136
person in a respite care home unless the home is certified under 40137
section 5126.05 of the Revised Code. 40138

~~No person or government agency shall provide supported living 40139
unless that person or government agency is certified under section 40140
5126.431 of the Revised Code. 40141~~

Sec. 5123.211. (A) As used in this section, "residential 40142
services" and "~~supported living~~" have has the same meanings 40143
meaning as in section 5126.01 of the Revised Code. 40144

(B) The department of mental retardation and developmental 40145
disabilities shall provide or arrange provision of residential 40146
services for each person who, on or after July 1, 1989, ceases to 40147
be a resident of a state institution because of closure of the 40148
institution or a reduction in the institution's population by 40149
forty per cent or more within a period of one year. The services 40150
shall be provided in the county in which the person chooses to 40151
reside and shall consist of one of the following as determined 40152
appropriate by the department in consultation with the county 40153
board of mental retardation and developmental disabilities of the 40154
county in which the services are to be provided: 40155

(1) Residential services provided pursuant to section 5123.18 40156
of the Revised Code; 40157

(2) ~~Supported living provided pursuant to section 5123.182 of~~ 40158
~~the Revised Code;~~ 40159

~~(3)~~ Residential services for which reimbursement is made 40160
under the medical assistance program established under section 40161
5111.01 of the Revised Code; 40162

~~(4)~~(3) Residential services provided in a manner or setting 40163
approved by the director of mental retardation and developmental 40164
disabilities. 40165

(C) Not less than six months prior to closing a state 40166
institution or reducing a state institution's population by forty 40167
per cent or more within a period of one year, the department shall 40168
identify those counties in which individuals leaving the 40169
institution have chosen to reside and notify the county boards of 40170
mental retardation and developmental disabilities in those 40171
counties of the need to develop the services specified in division 40172
(B) of this section. The notice shall specify the number of 40173
individuals requiring services who plan to reside in the county 40174
and indicate the amount of funds the department will use to 40175
provide or arrange services for those individuals. 40176

(D) In each county in which one or more persons receive 40177
residential services pursuant to division (B) of this section, the 40178
department shall provide or arrange provision of residential 40179
services, or shall distribute moneys to the county board of mental 40180
retardation and developmental disabilities to provide or arrange 40181
provision of residential services, for an equal number of persons 40182
with mental retardation or developmental disabilities in that 40183
county who the county board has determined need residential 40184
services but are not receiving them. 40185

Sec. 5123.38. (A) Except as provided in division (B) and (C) 40186
of this section, if an individual receiving supported living or 40187
home and community-based services, ~~as defined in section 5126.01~~ 40188

~~of the Revised Code,~~ funded by a county board of mental 40189
retardation and developmental disabilities is committed to a 40190
state-operated intermediate care facility for the mentally 40191
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 40192
Code, the department of mental retardation and developmental 40193
disabilities shall use the funds otherwise allocated to the county 40194
board as the nonfederal share of medicaid expenditures for the 40195
individual's care in the state-operated facility. 40196

(B) Division (A) of this section does not apply if the county 40197
board, not later than ninety days after the date of the commitment 40198
of a person receiving supported services, commences funding of 40199
supported living for an individual who resides in a state-operated 40200
intermediate care facility for the mentally retarded on the date 40201
of the commitment or another eligible individual designated by the 40202
department. 40203

(C) Division (A) of this section does not apply if the county 40204
board, not later than ninety days after the date of the commitment 40205
of a person receiving home and community-based services, commences 40206
funding of home and community-based services for an individual who 40207
resides in a state-operated intermediate care facility for the 40208
mentally retarded on the date of the commitment or another 40209
eligible individual designated by the department. 40210

Sec. 5123.41. As used in this section and sections 5123.42 to 40211
5123.47 of the Revised Code: 40212

(A) "Adult services" has the same meaning as in section 40213
5126.01 of the Revised Code. 40214

~~(B) "Certified home and community based services provider" 40215
means a person or government entity certified under section 40216
5123.16 of the Revised Code. 40217~~

~~(C) "Certified supported living provider" means a person or 40218~~

government entity certified under section ~~5126.431~~ 5123.161 of the Revised Code.

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

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

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

(1) Taking vital signs;

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

(3) Basic measurement of bodily intake and output;

(4) Oral suctioning;

(5) Use of glucometers;

(6) External urinary catheter care;

(7) Emptying and replacing colostomy bags;

(8) Collection of specimens by noninvasive means.

~~(G)~~(F) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.

~~(H) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.~~

~~(I)~~(G) "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:

(1) Through direct employment with the department of mental retardation and developmental disabilities or a county board of mental retardation and developmental disabilities;

(2) Through an entity under contract with the department of 40247
mental retardation and developmental disabilities or a county 40248
board of mental retardation and developmental disabilities; 40249

(3) Through direct employment or by being under contract with 40250
private entities, including private entities that operate 40251
residential facilities. 40252

~~(J)~~(H) "Nursing delegation" means the process established in 40253
rules adopted by the board of nursing pursuant to Chapter 4723. of 40254
the Revised Code under which a registered nurse or licensed 40255
practical nurse acting at the direction of a registered nurse 40256
transfers the performance of a particular nursing activity or task 40257
to another person who is not otherwise authorized to perform the 40258
activity or task. 40259

~~(K)~~(I) "Prescribed medication" means a drug that is to be 40260
administered according to the instructions of a licensed health 40261
professional authorized to prescribe drugs. 40262

~~(L)~~(J) "Residential facility" means a facility licensed under 40263
section 5123.19 of the Revised Code or subject to section 5123.192 40264
of the Revised Code. 40265

~~(M)~~(K) "Specialized services" has the same meaning as in 40266
section 5123.50 of the Revised Code. 40267

~~(N)~~(L) "Tube feeding" means the provision of nutrition to an 40268
individual through a gastrostomy tube or a jejunostomy tube. 40269

Sec. 5123.51. (A) In addition to any other action required by 40270
sections 5123.61 and 5126.31 of the Revised Code, the department 40271
of mental retardation and developmental disabilities shall review 40272
each report the department receives of abuse or neglect of an 40273
individual with mental retardation or a developmental disability 40274
or misappropriation of an individual's property that includes an 40275
allegation that an MR/DD employee committed or was responsible for 40276

the abuse, neglect, or misappropriation. The department shall 40277
review a report it receives from a public children services agency 40278
only after the agency completes its investigation pursuant to 40279
section 2151.421 of the Revised Code. On receipt of a notice under 40280
section 2930.061 or 5123.541 of the Revised Code, the department 40281
shall review the notice. 40282

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(B) The department shall do both of the following: 40284

(1) Investigate the allegation or adopt the findings of an 40285
investigation or review of the allegation conducted by another 40286
person or government entity and determine whether there is a 40287
reasonable basis for the allegation; 40288

(2) If the department determines that there is a reasonable 40289
basis for the allegation, conduct an adjudication pursuant to 40290
Chapter 119. of the Revised Code. 40291

(C)(1) The department shall appoint an independent hearing 40292
officer to conduct any hearing conducted pursuant to division 40293
(B)(2) of this section, except that, if the hearing is regarding 40294
an employee of the department who is represented by a union, the 40295
department and a representative of the union shall jointly select 40296
the hearing officer. 40297

(2)(a) Except as provided in division (C)(2)(b) of this 40298
section, no hearing shall be conducted under division (B)(2) of 40299
this section until any criminal proceeding or collective 40300
bargaining arbitration concerning the same allegation has 40301
concluded. 40302

(b) The department may conduct a hearing pursuant to division 40303
(B)(2) of this section before a criminal proceeding concerning the 40304
same allegation is concluded if both of the following are the 40305
case: 40306

(i) The department notifies the prosecutor responsible for 40307

the criminal proceeding that the department proposes to conduct a hearing. 40308
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(ii) The prosecutor consents to the hearing. 40310

(3) In conducting a hearing pursuant to division (B)(2) of this section, the hearing officer shall do all of the following: 40311
40312

(a) Determine whether there is clear and convincing evidence that the MR/DD employee has done any of the following: 40313
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(i) Misappropriated property of one or more individuals with mental retardation or a developmental disability that has a value, either separately or taken together, of one hundred dollars or more; 40315
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(ii) Misappropriated property of an individual with mental retardation or a developmental disability that is designed to be used as a check, draft, negotiable instrument, credit card, charge card, or device for initiating an electronic fund transfer at a point of sale terminal, automated teller machine, or cash dispensing machine; 40319
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(iii) Knowingly abused such an individual; 40325

(iv) Recklessly abused or neglected such an individual, with resulting physical harm; 40326
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(v) Negligently abused or neglected such an individual, with resulting serious physical harm; 40328
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(vi) Recklessly neglected such an individual, creating a substantial risk of serious physical harm; 40330
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(vii) Engaged in sexual conduct or had sexual contact with an individual with mental retardation or another developmental disability who was not the MR/DD employee's spouse and for whom the MR/DD employee was employed or under a contract to provide care; 40332
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(viii) Unreasonably failed to make a report pursuant to 40337

division (C) of section 5123.61 of the Revised Code when the 40338
employee knew or should have known that the failure would result 40339
in a substantial risk of harm to an individual with mental 40340
retardation or a developmental disability. 40341

(b) Give weight to the decision in any collective bargaining 40342
arbitration regarding the same allegation; 40343

(c) Give weight to any relevant facts presented at the 40344
hearing. 40345

(D)(1) Unless the director of mental retardation and 40346
developmental disabilities determines that there are extenuating 40347
circumstances and except as provided in division (E) of this 40348
section, if the director, after considering all of the factors 40349
listed in division (C)(3) of this section, finds that there is 40350
clear and convincing evidence that an MR/DD employee has done one 40351
or more of the things described in division (C)(3)(a) of this 40352
section the director shall include the name of the employee in the 40353
registry established under section 5123.52 of the Revised Code. 40354

(2) Extenuating circumstances the director must consider 40355
include the use of physical force by an MR/DD employee that was 40356
necessary as self-defense. 40357

(3) If the director includes an MR/DD employee in the 40358
registry established under section 5123.52 of the Revised Code, 40359
the director shall notify the employee, the person or government 40360
entity that employs or contracts with the employee, the individual 40361
with mental retardation or a developmental disability who was the 40362
subject of the report and that individual's legal guardian, if 40363
any, the attorney general, and the prosecuting attorney or other 40364
law enforcement agency. If the MR/DD employee holds a license, 40365
certificate, registration, or other authorization to engage in a 40366
profession issued pursuant to Title XLVII of the Revised Code, the 40367
director shall notify the appropriate agency, board, department, 40368

or other entity responsible for regulating the employee's professional practice. 40369
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(4) If an individual whose name appears on the registry is involved in a court proceeding or arbitration arising from the same facts as the allegation resulting in the individual's placement on the registry, the disposition of the proceeding or arbitration shall be noted in the registry next to the individual's name. 40371
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(E) In the case of an allegation concerning an employee of the department, after the hearing conducted pursuant to division (B)(2) of this section, the director of health or that director's designee shall review the decision of the hearing officer to determine whether the standard described in division (C)(3) of this section has been met. If the director or designee determines that the standard has been met and that no extenuating circumstances exist, the director or designee shall notify the director of mental retardation and developmental disabilities that the MR/DD employee is to be included in the registry established under section 5123.52 of the Revised Code. If the director of mental retardation and developmental disabilities receives such notification, the director shall include the MR/DD employee in the registry and shall provide the notification described in division (D)(3) of this section. 40377
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(F) If the department is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the MR/DD employee subject to the notice does not timely request a hearing in accordance with section 119.07 or 5123.0414 of the Revised Code, the department is not required to hold a hearing. 40392
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(G) Files and records of investigations conducted pursuant to this section are not public records as defined in section 149.43 of the Revised Code, but, on request, the department shall provide copies of those files and records to the attorney general, a 40397
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prosecuting attorney, or a law enforcement agency. 40401

Sec. 5123.605. There is hereby created in the state treasury 40402
the program income fund. Revenue generated from settlements, 40403
gifts, donations, and other sources of legal rights service 40404
program income shall be credited to the fund. The program income 40405
fund shall be used to support legal rights service programs for 40406
purposes from which the income was derived and for the general 40407
support of legal rights service programs. 40408

Sec. 5123.99. (A) Whoever violates section 5123.16 or 5123.20 40409
of the Revised Code is guilty of a misdemeanor of the first 40410
degree. 40411

(B) Whoever violates division (C), (E), or (G)(3) of section 40412
5123.61 of the Revised Code is guilty of a misdemeanor of the 40413
fourth degree or, if the abuse or neglect constitutes a felony, a 40414
misdemeanor of the second degree. In addition to any other 40415
sanction or penalty authorized or required by law, if a person who 40416
is convicted of or pleads guilty to a violation of division (C), 40417
(E), or (G)(3) of section 5123.61 of the Revised Code is an MR/DD 40418
employee, as defined in section 5123.50 of the Revised Code, the 40419
offender shall be eligible to be included in the registry 40420
regarding misappropriation, abuse, neglect, or other specified 40421
misconduct by MR/DD employees established under section 5123.52 of 40422
the Revised Code. 40423

(C) Whoever violates division (A) of section 5123.604 of the 40424
Revised Code is guilty of a misdemeanor of the second degree. 40425

(D) Whoever violates division (B) of section 5123.604 of the 40426
Revised Code shall be fined not more than one thousand dollars. 40427
Each violation constitutes a separate offense. 40428

Sec. 5126.038. (A)~~(1)~~ As used in this section, "professional 40429

services" means all of the following services provided on behalf 40430
of a county board of mental retardation and developmental 40431
disabilities, members or employees of a county board, or both: 40432

~~(a)~~(1) Lobbying and other governmental affairs services; 40433

~~(b)~~(2) Legal services other than the legal services provided 40434
by a county prosecutor or provided for the purpose of collective 40435
bargaining; 40436

~~(c)~~(3) Public relation services; 40437

~~(d)~~(4) Consulting services; 40438

~~(e)~~(5) Personnel training services, not including tuition or 40439
professional growth reimbursement programs for county board 40440
members or employees. 40441

~~(2) "Professional services" does not mean services provided 40442
pursuant to a service contract as defined in section 5126.035 of 40443
the Revised Code. 40444~~

 (B) Each county board of mental retardation and developmental 40445
disabilities shall submit to the board of county commissioners of 40446
each county that is served by the county board, in accordance with 40447
the normal budget process and as part of its budget request, a 40448
list identifying the total expenditures projected for any of the 40449
following: 40450

 (1) Any membership dues of the members or employees of the 40451
county board, in any organization, association, or other entity; 40452

 (2) Any professional services of the county board, its 40453
members or employees, or both; 40454

 (3) Any training of the members or employees of the county 40455
board. 40456

Sec. 5126.042. (A) As used in this section, "emergency" means 40457

any situation that creates for an individual with mental 40458
retardation or developmental disabilities a risk of substantial 40459
self-harm or substantial harm to others if action is not taken 40460
within thirty days. An "emergency" may include one or more of the 40461
following situations: 40462

(1) Loss of present residence for any reason, including legal 40463
action; 40464

(2) Loss of present caretaker for any reason, including 40465
serious illness of the caretaker, change in the caretaker's 40466
status, or inability of the caretaker to perform effectively for 40467
the individual; 40468

(3) Abuse, neglect, or exploitation of the individual; 40469

(4) Health and safety conditions that pose a serious risk to 40470
the individual or others of immediate harm or death; 40471

(5) Change in the emotional or physical condition of the 40472
individual that necessitates substantial accommodation that cannot 40473
be reasonably provided by the individual's existing caretaker. 40474

(B) If a county board of mental retardation and developmental 40475
disabilities determines that available resources are not 40476
sufficient to meet the needs of all individuals who request 40477
programs and services and may be offered the programs and 40478
services, it shall establish waiting lists for services. The board 40479
may establish priorities for making placements on its waiting 40480
lists according to an individual's emergency status and shall 40481
establish priorities in accordance with divisions (D) and (E) of 40482
this section. 40483

The individuals who may be placed on a waiting list include 40484
individuals with a need for services on an emergency basis and 40485
individuals who have requested services for which resources are 40486
not available. 40487

Except for an individual who is to receive priority for 40488
services pursuant to division (D)(3) of this section, an 40489
individual who currently receives a service but would like to 40490
change to another service shall not be placed on a waiting list 40491
but shall be placed on a service substitution list. The board 40492
shall work with the individual, service providers, and all 40493
appropriate entities to facilitate the change in service as 40494
expeditiously as possible. The board may establish priorities for 40495
making placements on its service substitution lists according to 40496
an individual's emergency status. 40497

In addition to maintaining waiting lists and service 40498
substitution lists, a board shall maintain a long-term service 40499
planning registry for individuals who wish to record their 40500
intention to request in the future a service they are not 40501
currently receiving. The purpose of the registry is to enable the 40502
board to document requests and to plan appropriately. The board 40503
may not place an individual on the registry who meets the 40504
conditions for receipt of services on an emergency basis. 40505

(C) A county board shall establish a separate waiting list 40506
for each of the following categories of services, and may 40507
establish separate waiting lists within the waiting lists: 40508

(1) Early childhood services; 40509

(2) Educational programs for preschool and school age 40510
children; 40511

(3) Adult services; 40512

(4) Service and support administration; 40513

(5) Residential services and supported living; 40514

(6) Transportation services; 40515

(7) Other services determined necessary and appropriate for 40516
persons with mental retardation or a developmental disability 40517

according to their individual habilitation or service plans; 40518

(8) Family support services provided under section 5126.11 of 40519
the Revised Code. 40520

(D) Except as provided in division (G) of this section, a 40521
county board shall do, as priorities, all of the following in 40522
accordance with the assessment component, approved under section 40523
5123.046 of the Revised Code, of the county board's plan developed 40524
under section 5126.054 of the Revised Code: 40525

(1) For the purpose of obtaining additional federal medicaid 40526
funds for home and community-based services and medicaid case 40527
management services, do both of the following: 40528

(a) Give an individual who is eligible for home and 40529
community-based services and meets both of the following 40530
requirements priority over any other individual on a waiting list 40531
established under division (C) of this section for home and 40532
community-based services that include supported living, 40533
residential services, or family support services: 40534

(i) Is twenty-two years of age or older; 40535

(ii) Receives supported living or family support services. 40536

(b) Give an individual who is eligible for home and 40537
community-based services and meets both of the following 40538
requirements priority over any other individual on a waiting list 40539
established under division (C) of this section for home and 40540
community-based services that include adult services: 40541

(i) Resides in the individual's own home or the home of the 40542
individual's family and will continue to reside in that home after 40543
enrollment in home and community-based services; 40544

(ii) Receives adult services from the county board. 40545

(2) As federal medicaid funds become available pursuant to 40546
division (D)(1) of this section, give an individual who is 40547

eligible for home and community-based services and meets any of 40548
the following requirements priority for such services over any 40549
other individual on a waiting list established under division (C) 40550
of this section: 40551

(a) Does not receive residential services or supported 40552
living, either needs services in the individual's current living 40553
arrangement or will need services in a new living arrangement, and 40554
has a primary caregiver who is sixty years of age or older; 40555

(b) Is less than twenty-two years of age and has at least one 40556
of the following service needs that are unusual in scope or 40557
intensity: 40558

(i) Severe behavior problems for which a behavior support 40559
plan is needed; 40560

(ii) An emotional disorder for which anti-psychotic 40561
medication is needed; 40562

(iii) A medical condition that leaves the individual 40563
dependent on life-support medical technology; 40564

(iv) A condition affecting multiple body systems for which a 40565
combination of specialized medical, psychological, educational, or 40566
habilitation services are needed; 40567

(v) A condition the county board determines to be comparable 40568
in severity to any condition described in ~~division~~ divisions 40569
(D)(2)(b)(i) to (iv) of this section and places the individual at 40570
significant risk of institutionalization. 40571

(c) Is twenty-two years of age or older, does not receive 40572
residential services or supported living, and is determined by the 40573
county board to have intensive needs for home and community-based 40574
services on an in-home or out-of-home basis. 40575

(3) In fiscal years 2002 and 2003, give an individual who is 40576
eligible for home and community-based services, resides in an 40577

intermediate care facility for the mentally retarded or nursing 40578
facility, chooses to move to another setting with the help of home 40579
and community-based services, and has been determined by the 40580
department of mental retardation and developmental disabilities to 40581
be capable of residing in the other setting, priority over any 40582
other individual on a waiting list established under division (C) 40583
of this section for home and community-based services who does not 40584
meet these criteria. The department of mental retardation and 40585
developmental disabilities shall identify the individuals to 40586
receive priority under division (D)(3) of this section, assess the 40587
needs of the individuals, and notify the county boards that are to 40588
provide the individuals priority under division (D)(3) of this 40589
section of the individuals identified by the department and the 40590
individuals' assessed needs. 40591

(E) Except as provided in division (G) of this section and 40592
for a number of years and beginning on a date specified in rules 40593
adopted under division (K) of this section, a county board shall 40594
give an individual who is eligible for home and community-based 40595
services, resides in a nursing facility, and chooses to move to 40596
another setting with the help of home and community-based 40597
services, priority over any other individual on a waiting list 40598
established under division (C) of this section for home and 40599
community-based services who does not meet these criteria. 40600

(F) If two or more individuals on a waiting list established 40601
under division (C) of this section for home and community-based 40602
services have priority for the services pursuant to division 40603
(D)(1) or (2) or (E) of this section, a county board may use, 40604
until December 31, ~~2007~~ 2009, criteria specified in rules adopted 40605
under division (K)(2) of this section in determining the order in 40606
which the individuals with priority will be offered the services. 40607
Otherwise, the county board shall offer the home and 40608
community-based services to such individuals in the order they are 40609

placed on the waiting list. 40610

(G)(1) No individual may receive priority for services 40611
pursuant to division (D) or (E) of this section over an individual 40612
placed on a waiting list established under division (C) of this 40613
section on an emergency status. 40614

(2) No more than four hundred individuals in the state may 40615
receive priority for services during the ~~2006~~ 2008 and ~~2007~~ 2009 40616
biennium pursuant to division (D)(2)(b) of this section. 40617

(3) No more than a total of seventy-five individuals in the 40618
state may receive priority for services during state fiscal years 40619
2002 and 2003 pursuant to division (D)(3) of this section. 40620

(4) No more than forty individuals in the state may receive 40621
priority for services pursuant to division (E) of this section for 40622
each year that priority category is in effect as specified in 40623
rules adopted under division (K) of this section. 40624

(H) Prior to establishing any waiting list under this 40625
section, a county board shall develop and implement a policy for 40626
waiting lists that complies with this section and rules adopted 40627
under division (K) of this section. 40628

Prior to placing an individual on a waiting list, the county 40629
board shall assess the service needs of the individual in 40630
accordance with all applicable state and federal laws. The county 40631
board shall place the individual on the appropriate waiting list 40632
and may place the individual on more than one waiting list. The 40633
county board shall notify the individual of the individual's 40634
placement and position on each waiting list on which the 40635
individual is placed. 40636

At least annually, the county board shall reassess the 40637
service needs of each individual on a waiting list. If it 40638
determines that an individual no longer needs a program or 40639
service, the county board shall remove the individual from the 40640

waiting list. If it determines that an individual needs a program 40641
or service other than the one for which the individual is on the 40642
waiting list, the county board shall provide the program or 40643
service to the individual or place the individual on a waiting 40644
list for the program or service in accordance with the board's 40645
policy for waiting lists. 40646

When a program or service for which there is a waiting list 40647
becomes available, the county board shall reassess the service 40648
needs of the individual next scheduled on the waiting list to 40649
receive that program or service. If the reassessment demonstrates 40650
that the individual continues to need the program or service, the 40651
board shall offer the program or service to the individual. If it 40652
determines that an individual no longer needs a program or 40653
service, the county board shall remove the individual from the 40654
waiting list. If it determines that an individual needs a program 40655
or service other than the one for which the individual is on the 40656
waiting list, the county board shall provide the program or 40657
service to the individual or place the individual on a waiting 40658
list for the program or service in accordance with the board's 40659
policy for waiting lists. The county board shall notify the 40660
individual of the individual's placement and position on the 40661
waiting list on which the individual is placed. 40662

(I) A child subject to a determination made pursuant to 40663
section 121.38 of the Revised Code who requires the home and 40664
community-based services provided through a medicaid component 40665
that the department of mental retardation and developmental 40666
disabilities administers under section 5111.871 of the Revised 40667
Code shall receive services through that medicaid component. For 40668
all other services, a child subject to a determination made 40669
pursuant to section 121.38 of the Revised Code shall be treated as 40670
an emergency by the county boards and shall not be subject to a 40671
waiting list. 40672

(J) Not later than the fifteenth day of March of each 40673
even-numbered year, each county board shall prepare and submit to 40674
the director of mental retardation and developmental disabilities 40675
its recommendations for the funding of services for individuals 40676
with mental retardation and developmental disabilities and its 40677
proposals for reducing the waiting lists for services. 40678

(K)(1) The department of mental retardation and developmental 40679
disabilities shall adopt rules in accordance with Chapter 119. of 40680
the Revised Code governing waiting lists established under this 40681
section. The rules shall include procedures to be followed to 40682
ensure that the due process rights of individuals placed on 40683
waiting lists are not violated. 40684

(2) As part of the rules adopted under this division, the 40685
department shall adopt rules establishing criteria a county board 40686
may use under division (F) of this section in determining the 40687
order in which individuals with priority for home and 40688
community-based services will be offered the services. The rules 40689
shall also specify conditions under which a county board, when 40690
there is no individual with priority for home and community-based 40691
services pursuant to division (D)(1) or (2) or (E) of this section 40692
available and appropriate for the services, may offer the services 40693
to an individual on a waiting list for the services but not given 40694
such priority for the services. The rules adopted under division 40695
(K)(2) of this section shall cease to have effect December 31, 40696
~~2007~~ 2009. 40697

(3) As part of the rules adopted under this division, the 40698
department shall adopt rules specifying both of the following for 40699
the priority category established under division (E) of this 40700
section: 40701

(a) The number of years, which shall not exceed five, that 40702
the priority category will be in effect; 40703

(b) The date that the priority category is to go into effect. 40704

(L) The following shall take precedence over the applicable 40705
provisions of this section: 40706

(1) Medicaid rules and regulations; 40707

(2) Any specific requirements that may be contained within a 40708
medicaid state plan amendment or waiver program that a county 40709
board has authority to administer or with respect to which it has 40710
authority to provide services, programs, or supports. 40711

Sec. 5126.046. (A) Each county board of mental retardation 40712
and developmental disabilities that has medicaid local 40713
administrative authority under division (A) of section 5126.055 of 40714
the Revised Code for habilitation, vocational, or community 40715
employment services provided as part of home and community-based 40716
services shall create a list of all persons and government 40717
entities eligible to provide such habilitation, vocational, or 40718
community employment services. If the county board chooses and is 40719
eligible to provide such habilitation, vocational, or community 40720
employment services, the county board shall include itself on the 40721
list. The county board shall make the list available to each 40722
individual with mental retardation or other developmental 40723
disability who resides in the county and is eligible for such 40724
habilitation, vocational, or community employment services. The 40725
county board shall also make the list available to such 40726
individuals' families. 40727

An individual with mental retardation or other developmental 40728
disability who is eligible for habilitation, vocational, or 40729
community employment services may choose the provider of the 40730
services. 40731

A county board that has medicaid local administrative 40732
authority under division (A) of section 5126.055 of the Revised 40733

Code for habilitation, vocational, and community employment 40734
services provided as part of home and community-based services 40735
shall pay the nonfederal share of the habilitation, vocational, 40736
and community employment services when required by section 40737
5126.057 of the Revised Code. The department of mental retardation 40738
and developmental disabilities shall pay the nonfederal share of 40739
such habilitation, vocational, and community employment services 40740
when required by section 5123.047 of the Revised Code. 40741

(B) Each month, the department of mental retardation and 40742
developmental disabilities shall create a list of all persons and 40743
government entities eligible to provide residential services and 40744
supported living. The department shall include on the list all 40745
residential facilities licensed under section 5123.19 of the 40746
Revised Code and all supported living providers certified under 40747
section ~~5126.431~~ 5123.161 of the Revised Code. The department 40748
shall distribute the monthly lists to county boards that have 40749
local administrative authority under division (A) of section 40750
5126.055 of the Revised Code for residential services and 40751
supported living provided as part of home and community-based 40752
services. A county board that receives a list shall make it 40753
available to each individual with mental retardation or other 40754
developmental disability who resides in the county and is eligible 40755
for such residential services or supported living. The county 40756
board shall also make the list available to the families of those 40757
individuals. 40758

An individual who is eligible for residential services or 40759
supported living may choose the provider of the residential 40760
services or supported living. 40761

A county board that has medicaid local administrative 40762
authority under division (A) of section 5126.055 of the Revised 40763
Code for residential services and supported living provided as 40764
part of home and community-based services shall pay the nonfederal 40765

share of the residential services and supported living when 40766
required by section 5126.057 of the Revised Code. The department 40767
shall pay the nonfederal share of the residential services and 40768
supported living when required by section 5123.047 of the Revised 40769
Code. 40770

(C) If a county board that has medicaid local administrative 40771
authority under division (A) of section 5126.055 of the Revised 40772
Code for home and community-based services violates the right 40773
established by this section of an individual to choose a provider 40774
that is qualified and willing to provide services to the 40775
individual, the individual shall receive timely notice that the 40776
individual may request a hearing under section 5101.35 of the 40777
Revised Code. 40778

(D) The departments of mental retardation and developmental 40779
disabilities and job and family services shall adopt rules in 40780
accordance with Chapter 119. of the Revised Code governing the 40781
implementation of this section. The rules shall include procedures 40782
for individuals to choose their service providers. The rules shall 40783
not be limited by a provider selection system established under 40784
section 5126.42 of the Revised Code, including any pool of 40785
providers created pursuant to a provider selection system. 40786

Sec. 5126.055. (A) Except as provided in section 5126.056 of 40787
the Revised Code, a county board of mental retardation and 40788
developmental disabilities has medicaid local administrative 40789
authority to, and shall, do all of the following for an individual 40790
with mental retardation or other developmental disability who 40791
resides in the county that the county board serves and seeks or 40792
receives home and community-based services: 40793

(1) Perform assessments and evaluations of the individual. As 40794
part of the assessment and evaluation process, the county board 40795
shall do all of the following: 40796

(a) Make a recommendation to the department of mental 40797
retardation and developmental disabilities on whether the 40798
department should approve or deny the individual's application for 40799
the services, including on the basis of whether the individual 40800
needs the level of care an intermediate care facility for the 40801
mentally retarded provides; 40802

(b) If the individual's application is denied because of the 40803
county board's recommendation and the individual requests a 40804
hearing under section 5101.35 of the Revised Code, present, with 40805
the department of mental retardation and developmental 40806
disabilities or department of job and family services, whichever 40807
denies the application, the reasons for the recommendation and 40808
denial at the hearing; 40809

(c) If the individual's application is approved, recommend to 40810
the departments of mental retardation and developmental 40811
disabilities and job and family services the services that should 40812
be included in the individual's individualized service plan and, 40813
if either department approves, reduces, denies, or terminates a 40814
service included in the individual's individualized service plan 40815
under section 5111.871 of the Revised Code because of the county 40816
board's recommendation, present, with the department that made the 40817
approval, reduction, denial, or termination, the reasons for the 40818
recommendation and approval, reduction, denial, or termination at 40819
a hearing under section 5101.35 of the Revised Code. 40820

(2) If the individual has been identified by the department 40821
of mental retardation and developmental disabilities as an 40822
individual to receive priority for home and community-based 40823
services pursuant to division (D)(3) of section 5126.042 of the 40824
Revised Code, assist the department in expediting the transfer of 40825
the individual from an intermediate care facility for the mentally 40826
retarded or nursing facility to the home and community-based 40827
services; 40828

(3) In accordance with the rules adopted under section 40829
5126.046 of the Revised Code, perform the county board's duties 40830
under that section regarding assisting the individual's right to 40831
choose a qualified and willing provider of the services and, at a 40832
hearing under section 5101.35 of the Revised Code, present 40833
evidence of the process for appropriate assistance in choosing 40834
providers; 40835

~~(4) Unless the county board provides the services under 40836
division (A)(5) of this section, contract with the person or 40837
government entity the individual chooses in accordance with 40838
section 5126.046 of the Revised Code to provide the services if 40839
the person or government entity is qualified and agrees to provide 40840
the services. The contract shall contain all the provisions 40841
required by section 5126.035 of the Revised Code and require the 40842
provider to agree to furnish, in accordance with the provider's 40843
medicaid provider agreement and for the authorized reimbursement 40844
rate, the services the individual requires. 40845~~

~~(5)~~ If the county board is certified under section ~~5123.16~~ 40846
5123.161 of the Revised Code to provide the services and agrees to 40847
provide the services to the individual and the individual chooses 40848
the county board to provide the services, furnish, in accordance 40849
with the county board's medicaid provider agreement and for the 40850
authorized reimbursement rate, the services the individual 40851
requires; 40852

~~(6)~~(5) Monitor the services provided to the individual and 40853
ensure the individual's health, safety, and welfare. The 40854
monitoring shall include quality assurance activities. If the 40855
county board provides the services, the department of mental 40856
retardation and developmental disabilities shall also monitor the 40857
services. 40858

~~(7)~~(6) Develop, with the individual and the provider of the 40859
individual's services, an effective individualized service plan 40860

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)~~(7) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual;

~~(9)~~(8) 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) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following:

(1) The county board's plan that the department of mental retardation and developmental disabilities approves under section 5123.046 of the Revised Code;

(2) All applicable federal and state laws;

(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;

(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;

(5) The department of mental retardation and developmental disabilities' oversight.

(C) The departments of mental retardation and developmental disabilities and job and family services shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The

communication and training shall include issues regarding audit 40891
protocols and other standards established by the United States 40892
department of health and human services that the departments 40893
determine appropriate for communication and training. County 40894
boards shall participate in the training. The departments shall 40895
assess the county board's compliance against uniform standards 40896
that the departments shall establish. 40897

(D) A county board may not delegate its medicaid local 40898
administrative authority granted under this section but may 40899
contract with a person or government entity, including a council 40900
of governments, for assistance with its medicaid local 40901
administrative authority. A county board that enters into such a 40902
contract shall notify the director of mental retardation and 40903
developmental disabilities. The notice shall include the tasks and 40904
responsibilities that the contract gives to the person or 40905
government entity. The person or government entity shall comply in 40906
full with all requirements to which the county board is subject 40907
regarding the person or government entity's tasks and 40908
responsibilities under the contract. The county board remains 40909
ultimately responsible for the tasks and responsibilities. 40910

(E) A county board that has medicaid local administrative 40911
authority under this section shall, through the departments of 40912
mental retardation and developmental disabilities and job and 40913
family services, reply to, and cooperate in arranging compliance 40914
with, a program or fiscal audit or program violation exception 40915
that a state or federal audit or review discovers. The department 40916
of job and family services shall timely notify the department of 40917
mental retardation and developmental disabilities and the county 40918
board of any adverse findings. After receiving the notice, the 40919
county board, in conjunction with the department of mental 40920
retardation and developmental disabilities, shall cooperate fully 40921
with the department of job and family services and timely prepare 40922

and send to the department a written plan of correction or 40923
response to the adverse findings. The county board is liable for 40924
any adverse findings that result from an action it takes or fails 40925
to take in its implementation of medicaid local administrative 40926
authority. 40927

(F) If the department of mental retardation and developmental 40928
disabilities or department of job and family services determines 40929
that a county board's implementation of its medicaid local 40930
administrative authority under this section is deficient, the 40931
department that makes the determination shall require that county 40932
board do the following: 40933

(1) If the deficiency affects the health, safety, or welfare 40934
of an individual with mental retardation or other developmental 40935
disability, correct the deficiency within twenty-four hours; 40936

(2) If the deficiency does not affect the health, safety, or 40937
welfare of an individual with mental retardation or other 40938
developmental disability, receive technical assistance from the 40939
department or submit a plan of correction to the department that 40940
is acceptable to the department within sixty days and correct the 40941
deficiency within the time required by the plan of correction. 40942

Sec. 5126.057. (A) A county board of mental retardation and 40943
developmental disabilities that has medicaid local administrative 40944
authority under division (A) of section 5126.055 of the Revised 40945
Code for home and community-based services shall pay the 40946
nonfederal share of medicaid expenditures for such services 40947
provided to an individual with mental retardation or other 40948
developmental disability who the county board determines under 40949
section 5126.041 of the Revised Code is eligible for county board 40950
services unless division (B)(2) or (3) of section 5123.047 of the 40951
Revised Code requires the department of mental retardation and 40952
developmental disabilities to pay the nonfederal share. 40953

A county board that provides medicaid case management 40954
services shall pay the nonfederal share of medicaid expenditures 40955
for such services provided to an individual with mental 40956
retardation or other developmental disability who the county board 40957
determines under section 5126.041 of the Revised Code is eligible 40958
for county board services. 40959

(B) A county board may use the following funds to pay the 40960
nonfederal share of the services that the county board is required 40961
by division (A) of this section to pay: 40962

(1) To the extent consistent with the levy that generated the 40963
taxes, the following taxes: 40964

(a) Taxes levied pursuant to division (L) of section 5705.19 40965
of the Revised Code and section 5705.222 of the Revised Code; 40966

(b) Taxes levied under section 5705.191 of the Revised Code 40967
that the board of county commissioners allocates to the county 40968
board to pay the nonfederal share of the services. 40969

(2) Funds that the department of mental retardation and 40970
developmental disabilities distributes to the county board under 40971
~~sections 5126.11, 5126.12, 5126.15, section 5126.18, and 5126.44~~ 40972
of the Revised Code; 40973

(3) Earned federal revenue funds the county board receives 40974
for medicaid services the county board provides pursuant to the 40975
county board's valid medicaid provider agreement; 40976

(4) Funds that the department of mental retardation and 40977
developmental disabilities distributes to the county board as 40978
subsidy payments. 40979

(C) If by December 31, 2001, the United States secretary of 40980
health and human services approves at least five hundred more 40981
slots for home and community-based services for calendar year 2002 40982
than were available for calendar year 2001, each county board 40983

shall provide, by the last day of calendar year 2001, assurances 40984
to the department of mental retardation and developmental 40985
disabilities that the county board will have for calendar year 40986
2002 at least one-third of the value of one-half, effective mill 40987
levied in the county the preceding year available to pay the 40988
nonfederal share of the services that the county board is required 40989
by division (A) of this section to pay. 40990

If by December 31, 2002, the United States secretary approves 40991
at least five hundred more slots for home and community-based 40992
services for calendar year 2003 than were available for calendar 40993
year 2002, each county board shall provide, by the last day of 40994
calendar year 2002, assurances to the department that the county 40995
board will have for calendar year 2003 at least two-thirds of the 40996
value of one-half, effective mill levied in the county the 40997
preceding year available to pay the nonfederal share of the 40998
services that the county board is required by division (A) of this 40999
section to pay. 41000

If by December 31, 2003, the United States secretary approves 41001
at least five hundred more slots for home and community-based 41002
services for calendar year 2004 than were available for calendar 41003
year 2003, each county board shall provide, by the last day of 41004
calendar year 2003 and each calendar year thereafter, assurances 41005
to the department that the county board will have for calendar 41006
year 2004 and each calendar year thereafter at least the value of 41007
one-half, effective mill levied in the county the preceding year 41008
available to pay the nonfederal share of the services that the 41009
county board is required by division (A) of this section to pay. 41010

(D) Each year, each county board shall adopt a resolution 41011
specifying the amount of funds it will use in the next year to pay 41012
the nonfederal share of the services that the county board is 41013
required by division (A) of this section to pay. The amount 41014
specified shall be adequate to assure that the services will be 41015

available in the county in a manner that conforms to all 41016
applicable state and federal laws. A county board shall state in 41017
its resolution that the payment of the nonfederal share represents 41018
an ongoing financial commitment of the county board. A county 41019
board shall adopt the resolution in time for the county auditor to 41020
make the determination required by division (E) of this section. 41021

(E) Each year, a county auditor shall determine whether the 41022
amount of funds a county board specifies in the resolution it 41023
adopts under division (D) of this section will be available in the 41024
following year for the county board to pay the nonfederal share of 41025
the services that the county board is required by division (A) of 41026
this section to pay. The county auditor shall make the 41027
determination not later than the last day of the year before the 41028
year in which the funds are to be used. 41029

Sec. 5126.06. (A) Except as provided in division (B) of this 41030
section ~~and section 5126.036 of the Revised Code~~, any person who 41031
has a complaint involving any of the programs, services, policies, 41032
or administrative practices of a county board of mental 41033
retardation and developmental disabilities or any of the entities 41034
under contract with the county board, may file a complaint with 41035
the board. Prior to commencing a civil action regarding the 41036
complaint, a person shall attempt to have the complaint resolved 41037
through the administrative resolution process established in the 41038
rules adopted under section 5123.043 of the Revised Code. After 41039
exhausting the administrative resolution process, the person may 41040
commence a civil action if the complaint is not settled to the 41041
person's satisfaction. 41042

(B) An employee of a county board may not file under this 41043
section a complaint related to the terms and conditions of 41044
employment of the employee. 41045

Sec. 5126.11. (A) As used in this section, "respite care" 41046
means appropriate, short-term, temporary care that is provided to 41047
a mentally retarded or developmentally disabled person to sustain 41048
the family structure or to meet planned or emergency needs of the 41049
family. 41050

(B) Subject to rules adopted by the director of mental 41051
retardation and developmental disabilities, and subject to the 41052
availability of money from state and federal sources, the county 41053
board of mental retardation and developmental disabilities shall 41054
establish a family support services program. Under such a program, 41055
the board shall make payments to an individual with mental 41056
retardation or other developmental disability or the family of an 41057
individual with mental retardation or other developmental 41058
disability who desires to remain in and be supported in the family 41059
home. Payments shall be made for all or part of costs incurred or 41060
estimated to be incurred for services that would promote 41061
self-sufficiency and normalization, prevent or reduce 41062
inappropriate institutional care, and further the unity of the 41063
family by enabling the family to meet the special needs of the 41064
individual and to live as much like other families as possible. 41065
Payments may be made in the form of reimbursement for expenditures 41066
or in the form of vouchers to be used to purchase services. 41067

(C) Payment shall not be made under this section to an 41068
individual or the individual's family if the individual is living 41069
in a residential facility that is providing residential services 41070
under contract with the department of mental retardation and 41071
developmental disabilities or a county board. 41072

(D) Payments may be made for the following services: 41073

(1) Respite care, in or out of the home; 41074

(2) Counseling, supervision, training, and education of the 41075
individual, the individual's caregivers, and members of the 41076

individual's family that aid the family in providing proper care 41077
for the individual, provide for the special needs of the family, 41078
and assist in all aspects of the individual's daily living; 41079

(3) Special diets, purchase or lease of special equipment, or 41080
modifications of the home, if such diets, equipment, or 41081
modifications are necessary to improve or facilitate the care and 41082
living environment of the individual; 41083

(4) Providing support necessary for the individual's 41084
continued skill development, including such services as 41085
development of interventions to cope with unique problems that may 41086
occur within the complexity of the family, enrollment of the 41087
individual in special summer programs, provision of appropriate 41088
leisure activities, and other social skills development 41089
activities; 41090

(5) Any other services that are consistent with the purposes 41091
specified in division (B) of this section and specified in the 41092
individual's service plan. 41093

(E) In order to be eligible for payments under a family 41094
support services program, the individual or the individual's 41095
family must reside in the county served by the county board, and 41096
the individual must be in need of habilitation. Payments shall be 41097
adjusted for income in accordance with the payment schedule 41098
established in rules adopted under this section. Payments shall be 41099
made only after the county board has taken into account all other 41100
available assistance for which the individual or family is 41101
eligible. 41102

(F) Before incurring expenses for a service for which payment 41103
will be sought under a family support services program, the 41104
individual or family shall apply to the county board for a 41105
determination of eligibility and approval of the service. The 41106
service need not be provided in the county served by the county 41107

board. After being determined eligible and receiving approval for 41108
the service, the individual or family may incur expenses for the 41109
service or use the vouchers received from the county board for the 41110
purchase of the service. 41111

If the county board refuses to approve a service, an appeal 41112
may be made in accordance with rules adopted by the department 41113
under this section. 41114

(G) To be reimbursed for expenses incurred for approved 41115
services, the individual or family shall submit to the county 41116
board a statement of the expenses incurred accompanied by any 41117
evidence required by the board. To redeem vouchers used to 41118
purchase approved services, the entity that provided the service 41119
shall submit to the county board evidence that the service was 41120
provided and a statement of the charges. The county board shall 41121
make reimbursements and redeem vouchers no later than forty-five 41122
days after it receives the statements and evidence required by 41123
this division. 41124

(H) A county board shall consider the following objectives in 41125
carrying out a family support services program: 41126

(1) Enabling individuals to return to their families from an 41127
institution under the jurisdiction of the department of mental 41128
retardation and developmental disabilities; 41129

(2) Enabling individuals found to be subject to 41130
institutionalization by court order under section 5123.76 of the 41131
Revised Code to remain with their families with the aid of 41132
payments provided under this section; 41133

(3) Providing services to eligible children and adults 41134
currently residing in the community; 41135

(4) Providing services to individuals with developmental 41136
disabilities who are not receiving other services from the board. 41137

(I) The director shall adopt, and may amend and rescind, 41138
rules for the implementation of family support services programs 41139
by county boards. Such rules shall include the following: 41140

(1) A payment schedule adjusted for income; 41141

(2) ~~A formula for distributing to county boards the money~~ 41142
~~appropriated for family support services;~~ 41143

~~(3)~~ Standards for supervision, training, and quality control 41144
in the provision of respite care services; 41145

~~(4)~~(3) Eligibility standards and procedures for providing 41146
temporary emergency respite care; 41147

~~(5)~~(4) Procedures for hearing and deciding appeals made under 41148
division (F) of this section; 41149

~~(6)~~ Requirements to be followed by county boards regarding 41150
~~reports submitted under division (K) of this section.~~ 41151

Rules adopted under ~~divisions~~ division (I)(1) ~~and (2)~~ of this 41152
section shall be adopted in accordance with section 111.15 of the 41153
Revised Code. Rules adopted under divisions (I)~~(3)~~(2) to ~~(6)~~(4) of 41154
this section shall be adopted in accordance with Chapter 119. of 41155
the Revised Code. 41156

(J) All individuals certified by the superintendent of the 41157
county board as eligible for temporary emergency respite care in 41158
accordance with rules adopted under this section shall be 41159
considered eligible for temporary emergency respite care for not 41160
more than five days to permit the determination of eligibility for 41161
family support services. The requirements of divisions (E) and (F) 41162
of this section do not apply to temporary emergency respite care. 41163

(K) ~~The department of mental retardation and developmental~~ 41164
~~disabilities shall distribute to county boards money appropriated~~ 41165
~~for family support services in quarterly installments of equal~~ 41166
~~amounts. The installments shall be made not later than the~~ 41167

~~thirtieth day of September, the thirty first day of December, the
thirty first day of March, and the thirtieth day of June. A county
board shall use no more than seven per cent of the funds for
administrative costs. Each county board shall submit reports to
the department on payments made under this section. The reports
shall be submitted at those times and in the manner specified in
rules adopted under this section.~~

~~(L) The county board shall not be required to make payments
for family support services at a level that exceeds available
state and federal funds for such payments.~~

Sec. 5126.12. (A) As used in this section: 41178

(1) "Approved school age class" means a class operated by a 41179
county board of mental retardation and developmental disabilities 41180
and funded by the department of education under section 3317.20 of 41181
the Revised Code. 41182

(2) "Approved preschool unit" means a class or unit operated 41183
by a county board of mental retardation and developmental 41184
disabilities and approved under division (B) of section 3317.05 of 41185
the Revised Code. 41186

(3) "Active treatment" means a continuous treatment program, 41187
which includes aggressive, consistent implementation of a program 41188
of specialized and generic training, treatment, health services, 41189
and related services, that is directed toward the acquisition of 41190
behaviors necessary for an individual with mental retardation or 41191
other developmental disability to function with as much 41192
self-determination and independence as possible and toward the 41193
prevention of deceleration, regression, or loss of current optimal 41194
functional status. 41195

(4) "Eligible for active treatment" means that an individual 41196
with mental retardation or other developmental disability resides 41197

in an intermediate care facility for the mentally retarded 41198
certified under Title XIX of the "Social Security Act," 79 Stat. 41199
286 (1965), 42 U.S.C. 1396, as amended; resides in a state 41200
institution operated by the department of mental retardation and 41201
developmental disabilities; or is enrolled in home and 41202
community-based services. 41203

(5) "Traditional adult services" means vocational and 41204
nonvocational activities conducted within a sheltered workshop or 41205
adult activity center or supportive home services. 41206

(B) Each county board of mental retardation and developmental 41207
disabilities shall certify to the director of mental retardation 41208
and developmental disabilities all of the following: 41209

(1) On or before the fifteenth day of October, the average 41210
daily membership for the first full week of programs and services 41211
during October receiving: 41212

(a) Early childhood services provided pursuant to section 41213
5126.05 of the Revised Code for children who are less than three 41214
years of age on the thirtieth day of September of the academic 41215
year; 41216

(b) Special education for handicapped children in approved 41217
school age classes; 41218

(c) Adult services for persons sixteen years of age and older 41219
operated pursuant to section 5126.05 and division (B) of section 41220
5126.051 of the Revised Code. Separate counts shall be made for 41221
the following: 41222

(i) Persons enrolled in traditional adult services who are 41223
eligible for but not enrolled in active treatment; 41224

(ii) Persons enrolled in traditional adult services who are 41225
eligible for and enrolled in active treatment; 41226

(iii) Persons enrolled in traditional adult services but who 41227

are not eligible for active treatment; 41228

(iv) Persons participating in community employment services. 41229
To be counted as participating in community employment services, a 41230
person must have spent an average of no less than ten hours per 41231
week in that employment during the preceding six months. 41232

(d) Other programs in the county for individuals with mental 41233
retardation and developmental disabilities that have been approved 41234
for payment of subsidy by the department of mental retardation and 41235
developmental disabilities. 41236

The membership in each such program and service in the county 41237
shall be reported on forms prescribed by the department of mental 41238
retardation and developmental disabilities. 41239

The department of mental retardation and developmental 41240
disabilities shall adopt rules defining full-time equivalent 41241
enrollees and for determining the average daily membership 41242
therefrom, except that certification of average daily membership 41243
in approved school age classes shall be in accordance with rules 41244
adopted by the state board of education. The average daily 41245
membership figure shall be determined by dividing the amount 41246
representing the sum of the number of enrollees in each program or 41247
service in the week for which the certification is made by the 41248
number of days the program or service was offered in that week. No 41249
enrollee may be counted in average daily membership for more than 41250
one program or service. 41251

(2) By the fifteenth day of December, the number of children 41252
enrolled in approved preschool units on the first day of December; 41253

(3) On or before the thirtieth day of ~~March~~ April, an 41254
itemized report of all income and operating expenditures for the 41255
immediately preceding calendar year, in the format specified by 41256
the department of mental retardation and developmental 41257
disabilities; 41258

~~(4) By the fifteenth day of February, a report of the total annual cost per enrollee for operation of programs and services in the preceding calendar year. The report shall include a grand total of all programs operated, the cost of the individual programs, and the sources of funds applied to each program.~~

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

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

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

~~(1) One thousand dollars times the certified average daily membership of persons enrolled in traditional adult services who are eligible for but not enrolled in active treatment;~~

~~(2) One thousand two hundred dollars times the certified average daily membership of persons enrolled in traditional adult services who are eligible for and enrolled in active treatment;~~

~~(3) No less than one thousand five hundred dollars times the~~

~~certified average daily membership of persons enrolled in 41290
traditional adult services but who are not eligible for active 41291
treatment; 41292~~

~~(4) No less than one thousand five hundred dollars times the 41293
certified average daily membership of persons participating in 41294
community employment services. 41295~~

~~(E) The department shall distribute this subsidy to county 41296
boards in quarterly installments of equal amounts. The 41297
installments shall be made not later than the thirtieth day of 41298
September, the thirty first day of December, the thirty first day 41299
of March, and the thirtieth day of June. 41300~~

~~(F) The director of mental retardation and developmental 41301
disabilities shall make efforts to obtain increases in the 41302
subsidies for early childhood services and adult services so that 41303
the amount of the subsidies is equal to at least fifty per cent of 41304
the statewide average cost of those services minus any applicable 41305
federal reimbursements for those services. The director shall 41306
advise the director of budget and management of the need for any 41307
such increases when submitting the biennial appropriations request 41308
for the department. 41309~~

~~(G) In determining the reimbursement of a county board for 41310
the provision of service and support administration, family 41311
support services, and other services required or approved by the 41312
director for which children three through twenty one years of age 41313
are eligible, the department shall include the average daily 41314
membership in approved school age or preschool units. The 41315
department, in accordance with this section and upon receipt and 41316
approval of the certification required by this section and any 41317
other information it requires to enable it to determine a board's 41318
payments, shall pay the agency providing the specialized training 41319
the amounts payable under this section. 41320~~

Sec. 5126.15. (A) A county board of mental retardation and 41322
developmental disabilities shall provide service and support 41323
administration to each individual three years of age or older who 41324
is eligible for service and support administration if the 41325
individual requests, or a person on the individual's behalf 41326
requests, service and support administration. A board shall 41327
provide service and support administration to each individual 41328
receiving home and community-based services. A board may provide, 41329
in accordance with the service coordination requirements of 34 41330
C.F.R. 303.23, service and support administration to an individual 41331
under three years of age eligible for early intervention services 41332
under 34 C.F.R. part 303. A board may provide service and support 41333
administration to an individual who is not eligible for other 41334
services of the board. Service and support administration shall be 41335
provided in accordance with rules adopted under section 5126.08 of 41336
the Revised Code. 41337

A board may provide service and support administration by 41338
directly employing service and support administrators or by 41339
contracting with entities for the performance of service and 41340
support administration. Individuals employed or under contract as 41341
service and support administrators shall not be in the same 41342
collective bargaining unit as employees who perform duties that 41343
are not administrative. 41344

Individuals employed by a board as service and support 41345
administrators shall not be assigned responsibilities for 41346
implementing other services for individuals and shall not be 41347
employed by or serve in a decision-making or policy-making 41348
capacity for any other entity that provides programs or services 41349
to individuals with mental retardation or developmental 41350
disabilities. An individual employed as a conditional status 41351
service and support administrator shall perform the duties of 41352
service and support administration only under the supervision of a 41353

management employee who is a service and support administration supervisor. 41354
41355

(B) The individuals employed by or under contract with a board to provide service and support administration shall do all of the following: 41356
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(1) Establish an individual's eligibility for the services of the county board of mental retardation and developmental disabilities; 41359
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(2) Assess individual needs for services; 41362

(3) Develop individual service plans with the active participation of the individual to be served, other persons selected by the individual, and, when applicable, the provider selected by the individual, and recommend the plans for approval by the department of mental retardation and developmental disabilities when services included in the plans are funded through medicaid; 41363
41364
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(4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs; 41370
41371

(5) Assist individuals in making selections from among the providers they have chosen; 41372
41373

(6) Ensure that services are effectively coordinated and provided by appropriate providers; 41374
41375

(7) Establish and implement an ongoing system of monitoring the implementation of individual service plans to achieve consistent implementation and the desired outcomes for the individual; 41376
41377
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(8) Perform quality assurance reviews as a distinct function of service and support administration; 41380
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(9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major 41382
41383

unusual incidents into amendments of an individual's service plan 41384
for the purpose of improving and enhancing the quality and 41385
appropriateness of services rendered to the individual; 41386

(10) Ensure that each individual receiving services has a 41387
designated person who is responsible on a continuing basis for 41388
providing the individual with representation, advocacy, advice, 41389
and assistance related to the day-to-day coordination of services 41390
in accordance with the individual's service plan. The service and 41391
support administrator shall give the individual receiving services 41392
an opportunity to designate the person to provide daily 41393
representation. If the individual declines to make a designation, 41394
the administrator shall make the designation. In either case, the 41395
individual receiving services may change at any time the person 41396
designated to provide daily representation. 41397

~~(C) Subject to available funds, the department of mental 41398
retardation and developmental disabilities shall pay a county 41399
board an annual subsidy for service and support administration. 41400
The amount of the subsidy shall be equal to the greater of twenty 41401
thousand dollars or two hundred dollars times the board's 41402
certified average daily membership. The payments shall be made in 41403
quarterly installments of equal amounts, which shall be made no 41404
later than the thirtieth day of September, the thirty first day of 41405
December, the thirty first day of March, and the thirtieth day of 41406
June. Funds received shall be used solely for service and support 41407
administration. 41408~~

Sec. 5126.18. (A) As used in this section: 41410

(1) "County board" means a county board of mental retardation 41411
and developmental disabilities. 41412

(2) Notwithstanding section 5126.01 of the Revised Code, 41413
"adult services" means the following services, as they are 41414
identified on individual information forms submitted by county 41415

boards to the department of mental retardation and developmental 41416
disabilities ~~for the purpose of subsidies paid to county boards~~ 41417
~~under section 5126.12 of the Revised Code~~, provided to an eligible 41418
individual with mental retardation or other developmental 41419
disability ~~who is at least twenty two years of age:~~ 41420

(a) Assessment; 41421

(b) Home service; 41422

(c) Adult program; 41423

(d) Community employment services; 41424

(e) Retirement. 41425

(3) "Adult services enrollment" means a county board's 41426
average daily membership in adult services, exclusive of such 41427
services provided to individuals served solely through service and 41428
support administration provided pursuant to section 5126.15 of the 41429
Revised Code or family support services provided pursuant to 41430
section 5126.11 of the Revised Code. 41431

(4) "Taxable value" means the taxable value of a county board 41432
certified under division (B)(1) of this section. 41433

(5) "Per-mill yield" of a county board means the quotient 41434
obtained by dividing (a) the taxable value of the county board by 41435
(b) one thousand. 41436

(6) "Local adult services cost" means a county board's 41437
expenditures for adult services, excluding all federal and state 41438
reimbursements and subsidy allocations received by such boards and 41439
expended for such services, as certified under section 5126.12 of 41440
the Revised Code. 41441

(7) "Statewide average millage" means one thousand multiplied 41442
by the quotient obtained by dividing (a) the total of the local 41443
adult services costs of all county boards by (b) the total of the 41444
taxable values of all county boards. 41445

(8) "County yield" of a county board means the product 41446
obtained by multiplying (a) the statewide average millage by (b) 41447
the per-mill yield of the county board. 41448

(9) "County yield per enrollee" of a county board means the 41449
quotient obtained by dividing (a) the county yield of the county 41450
board by (b) the adult enrollment of the county board. 41451

(10) "Statewide yield per enrollee" means the quotient 41452
obtained by dividing (a) the sum of the county yields of all 41453
county boards by (b) the sum of the adult enrollments of all 41454
county boards. 41455

(11) "Local tax effort for adult services" of a county board 41456
means one thousand multiplied by the quotient obtained by dividing 41457
(a) the local adult services cost of the county board by (b) the 41458
taxable value of the county board. 41459

(12) "Funding percentage" for a fiscal year means the 41460
percentage that the amount appropriated to the department for the 41461
purpose of making payments under this section in the fiscal year 41462
is of the amount computed under division (C)(3) of this section 41463
for the fiscal year. 41464

(13) "Funding-adjusted required millage" for a fiscal year 41465
means the statewide average millage multiplied by the funding 41466
percentage for that fiscal year. 41467

(B)(1) On the request of the director of mental retardation 41468
and developmental disabilities, the tax commissioner shall provide 41469
to the department of mental retardation and developmental 41470
disabilities information specifying the taxable value of property 41471
on each county's tax list of real and public utility property and 41472
tax list of personal property for the most recent tax year for 41473
which such information is available. The director may request any 41474
other tax information necessary for the purposes of this section. 41475

(2) On the request of the director, each county board shall 41476

report the county board's adult services enrollment and local adult services cost. 41477
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(C) Each year, the department of mental retardation and developmental disabilities shall compute the following: 41479
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(1) For each county board, the amount, if any, by which the statewide yield per enrollee exceeds the county yield per enrollee; 41481
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(2) For each county board, the amount of any excess computed under division (C)(1) of this section multiplied by the adult services enrollment of the county board; 41484
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(3) The sum of the amounts computed under division (C)(2) of this section for all county boards. 41487
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(D) From money appropriated for the purpose, the department shall provide for payment to each county board of the amount computed for that county board under division (C)(2) of this section, subject to any reduction or adjustment under division (E), (F), or (G) of this section. The department shall make the payments in quarterly installments of equal amounts. The installments shall be made not later than the thirtieth day of September, thirty-first day of December, thirty-first day of March, and thirtieth day of June. 41489
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(E) If a county board's local tax effort for adult services is less than the funding-adjusted required millage, the director shall reduce the amount of payment otherwise computed under division (C)(2) of this section so that the amount paid, after the reduction, is the same percentage of the amount computed under division (C)(2) of this section as the county board's local tax effort for adult services is of the funding-adjusted required millage. 41498
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If the director reduces the amount of a county board's payment under this division, the department, not later than the 41506
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fifteenth day of July, shall notify the county board of the 41508
reduction and the amount of the reduction. The notice shall 41509
include a statement that the county board may request to be 41510
exempted from the reduction by filing a request with the director, 41511
in the manner and form prescribed by the director, within 41512
twenty-one days after such notification is issued. The board may 41513
present evidence of its attempt to obtain passage of levies or any 41514
other extenuating circumstances the board considers relevant. If 41515
the county board requests a hearing before the director to present 41516
such evidence, the director shall conduct a hearing on the request 41517
unless the director exempts the board from the reduction on the 41518
basis of the evidence presented in the request filed by the board. 41519
Upon receiving a properly and timely filed request for exemption, 41520
but not later than the thirty-first day of August, the director 41521
shall determine whether the county board shall be exempted from 41522
all or a part of the reduction. The director may exempt the board 41523
from all or part of the reduction if the director finds that the 41524
board has made good faith efforts to obtain passage of tax levies 41525
or that there are extenuating circumstances. 41526

(F) If a payment is reduced under division (E) of this 41527
section and the director does not exempt the county board from the 41528
reduction, the amount of the reduction shall be apportioned among 41529
all county boards entitled to payments under this section for 41530
which payments were not so reduced. The amount apportioned to each 41531
county board shall be proportionate to the amount of the board's 41532
payment as computed under division (C)(2) of this section. 41533

(G) If, for any fiscal year, the amount appropriated to the 41534
department for the purpose of this section is less than the amount 41535
computed under division (C)(3) of this section for the fiscal 41536
year, the department shall adjust the amount of each payment as 41537
computed under divisions (C)(2), (E), and (F) of this section by 41538
multiplying that amount by the funding percentage. 41539

(H) The payments authorized by this section are supplemental 41540
to all other funds that may be received by a county board. A 41541
county board shall use the payments solely to pay the nonfederal 41542
share of medicaid expenditures that division (A) of section 41543
5126.057 of the Revised Code requires the county board to pay. 41544

Sec. 5126.19. (A) The director of mental retardation and 41545
developmental disabilities may grant temporary funding from the 41546
community mental retardation and developmental disabilities trust 41547
fund based on allocations to county boards of mental retardation 41548
and developmental disabilities. The director may distribute all or 41549
part of the funding directly to a county board, the persons who 41550
provide the services for which the funding is granted, or persons 41551
with mental retardation or developmental disabilities who are to 41552
receive those services. 41553

(B) Funding granted under division (A) of this section shall 41554
be granted according to the availability of moneys in the fund and 41555
priorities established by the director. Funding may be granted for 41556
any of the following purposes: 41557

(1) Behavioral or short-term interventions for persons with 41558
mental retardation or developmental disabilities that assist them 41559
in remaining in the community by preventing institutionalization; 41560

(2) Emergency respite care services, as defined in section 41561
5126.11 of the Revised Code; 41562

(3) Family support services provided under section 5126.11 of 41563
the Revised Code; 41564

(4) Supported living, as defined in section 5126.01 of the 41565
Revised Code; 41566

(5) Staff training for county board employees, employees of 41567
providers of residential services as defined in section 5126.01 of 41568
the Revised Code, and other personnel under contract with a county 41569

board, to provide the staff with necessary training in serving 41570
mentally retarded or developmentally disabled persons in the 41571
community; 41572

(6) Short-term provision of early childhood services provided 41573
under section 5126.05, adult services provided under sections 41574
5126.05 and 5126.051, and service and support administration 41575
provided under section 5126.15 of the Revised Code, when local 41576
moneys are insufficient to meet the need for such services due to 41577
the successive failure within a two-year period of three or more 41578
proposed levies for the services; 41579

(7) Contracts with providers of residential services to 41580
maintain persons with mental retardation and developmental 41581
disabilities in their programs and avoid institutionalization. 41582

(C) If the trust fund contains more than ten million dollars 41583
on the first day of July the director shall use ~~one million~~ 41584
~~dollars for payments under section 5126.12 of the Revised Code,~~ 41585
one million dollars for payments under section 5126.18 of the 41586
Revised Code, ~~and two million dollars for payments under section~~ 41587
~~5126.44 of the Revised Code~~ subsidies to county boards for 41588
supported living, and one million dollars for subsidies to county 41589
boards for early childhood services and adult services provided 41590
under section 5126.05 of the Revised Code. Distributions of funds 41591
under this division shall be made prior to August 31 of the state 41592
fiscal year in which the funds are available. The funds shall be 41593
allocated to a county board in an amount equal to the same 41594
percentage of the total amount allocated to the county board the 41595
immediately preceding state fiscal year. 41596

(D) In addition to making grants under division (A) of this 41597
section, the director may use money available in the trust fund 41598
for the same purposes that rules adopted under section 5123.0413 41599
of the Revised Code provide for money in the state MR/DD risk fund 41600
and the state insurance against MR/DD risk fund, both created 41601

under that section, to be used. 41602

Sec. 5126.25. (A) The director of mental retardation and 41603
developmental disabilities shall adopt rules in accordance with 41604
Chapter 119. of the Revised Code establishing uniform standards 41605
and procedures for the certification of persons for employment by 41606
county boards of mental retardation and developmental disabilities 41607
as superintendents, management employees, and professional 41608
employees and uniform standards and procedures for the 41609
registration of persons for employment by county boards as 41610
registered service employees. As part of the rules, the director 41611
may establish continuing education and professional training 41612
requirements for renewal of certificates and evidence of 41613
registration and shall establish such requirements for renewal of 41614
an investigative agent certificate. In the rules, the director 41615
shall establish certification standards for employment in the 41616
position of investigative agent that require an individual to have 41617
or obtain no less than an associate degree from an accredited 41618
college or university or have or obtain comparable experience or 41619
training. The director shall not adopt rules that require any 41620
service employee to have or obtain a bachelor's or higher degree. 41621

The director shall adopt the rules in a manner that provides 41622
for the issuance of certificates and evidence of registration 41623
according to categories, levels, and grades. The rules shall 41624
describe each category, level, and grade. 41625

The rules adopted under this division shall apply to persons 41626
employed or seeking employment in a position that includes 41627
directly providing, or supervising persons who directly provide, 41628
services or instruction to or on behalf of individuals with mental 41629
retardation or developmental disabilities, except that the rules 41630
shall not apply to persons who hold a valid license issued under 41631
Chapter 3319. of the Revised Code and perform no duties other than 41632

teaching or supervision of a teaching program or persons who hold 41633
a valid license or certificate issued under Title XLVII of the 41634
Revised Code and perform only those duties governed by the license 41635
or certificate. The rules shall specify the positions that require 41636
certification or registration. The rules shall specify that the 41637
position of investigative agent requires certification. 41638

(B) The director shall adopt rules in accordance with Chapter 41639
119. of the Revised Code establishing standards for approval of 41640
courses of study to prepare persons to meet certification 41641
requirements. The director shall approve courses of study meeting 41642
the standards and provide for the inspection of the courses to 41643
ensure the maintenance of satisfactory training procedures. The 41644
director shall approve courses of study only if given by a state 41645
university or college as defined in section 3345.32 of the Revised 41646
Code, a state university or college of another state, or an 41647
institution that has received a certificate of authorization to 41648
confer degrees from the board of regents pursuant to Chapter 1713. 41649
of the Revised Code or from a comparable agency of another state. 41650

(C) Each applicant for a certificate for employment or 41651
evidence of registration for employment by a county board shall 41652
apply to the department of mental retardation and developmental 41653
disabilities on forms that the director of the department shall 41654
prescribe and provide. The application shall be accompanied by the 41655
application fee established in rules adopted under this section. 41656

(D) The director shall issue a certificate for employment to 41657
each applicant who meets the standards for certification 41658
established under this section and shall issue evidence of 41659
registration for employment to each applicant who meets the 41660
standards for registration established under this section. Each 41661
certificate or evidence of registration shall state the category, 41662
level, and grade for which it is issued. 41663

The director shall issue, renew, deny, suspend, or revoke 41664

certificates and evidence of registration in accordance with rules 41665
adopted under this section. The director shall deny, suspend, or 41666
revoke a certificate or evidence of registration if the director 41667
finds, pursuant to an adjudication conducted in accordance with 41668
Chapter 119. of the Revised Code, that the applicant for or holder 41669
of the certificate or evidence of registration is guilty of 41670
intemperate, immoral, or other conduct unbecoming to the 41671
applicant's or holder's position, or is guilty of incompetence or 41672
negligence within the scope of the applicant's or holder's duties. 41673
The director shall deny or revoke a certificate or evidence of 41674
registration if the director finds, pursuant to an adjudication 41675
conducted in accordance with Chapter 119. of the Revised Code, 41676
that the applicant for or holder of the certificate or evidence of 41677
registration has been convicted of or pleaded guilty to any of the 41678
offenses described in division (E) of section 5126.28 of the 41679
Revised Code, unless the individual meets standards for 41680
rehabilitation that the director establishes in the rules adopted 41681
under that section. Evidence supporting such allegations shall be 41682
presented to the director in writing and the director shall 41683
provide prompt notice of the allegations to the person who is the 41684
subject of the allegations. A denial, suspension, or revocation 41685
may be appealed in accordance with procedures the director shall 41686
establish in the rules adopted under this section. 41687

(E)(1) A person holding a valid certificate under this 41688
section on the effective date of any rules adopted under this 41689
section that increase certification standards shall have such 41690
period as the rules prescribe, but not less than one year after 41691
the effective date of the rules, to meet the new certification 41692
standards. 41693

A person who is registered under this section on the 41694
effective date of any rule that changes the standards adopted 41695
under this section shall have such period as the rules prescribe, 41696

but not less than one year, to meet the new registration standards. 41697
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(2) If an applicant for a certificate for employment has not completed the courses of instruction necessary to meet the department's standards for certification, the department shall inform the applicant of the courses the applicant must successfully complete to meet the standards and shall specify the time within which the applicant must complete the courses. The department shall grant the applicant at least one year to complete the courses and shall not require the applicant to complete more than four courses in any one year. The applicant is not subject to any changes regarding the courses required for certification that are made after the department informs the applicant of the courses the applicant must complete, unless the applicant does not successfully complete the courses within the time specified by the department. 41699
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(F) A person who holds a certificate or evidence of registration, other than one designated as temporary, is qualified to be employed according to that certificate or evidence of registration by any county board. 41713
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(G) The director shall monitor county boards to ensure that their employees who must be certified or registered are appropriately certified or registered and performing those functions they are authorized to perform under their certificate or evidence of registration. 41717
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(H) A county board superintendent or the superintendent's designee may certify to the director that county board employees who are required to meet continuing education or professional training requirements as a condition of renewal of certificates or evidence of registration have met the requirements. The superintendent or the superintendent's designee shall maintain in appropriate personnel files evidence acceptable to the director 41722
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that the employees have met the requirements and permit 41729
representatives of the department access to the evidence on 41730
request. 41731

(I) All fees collected pursuant to this section shall be 41732
deposited in the state treasury to the credit of the ~~employee~~ 41733
~~certification and registration program fee~~ fund, which is hereby 41734
created under section 5123.033 of the Revised Code. ~~Money credited~~ 41735
~~to the fund shall be used solely for the operation of the~~ 41736
~~certification and registration program established under this~~ 41737
~~section and for providing continuing training to county board~~ 41738
~~employees.~~ 41739

(J) Employees of entities that contract with county boards of 41740
mental retardation and developmental disabilities to operate 41741
programs and services for individuals with mental retardation and 41742
developmental disabilities are subject to the certification and 41743
registration requirements established under section 5123.082 of 41744
the Revised Code. 41745

Sec. 5126.40. (A) Sections 5126.40 to 5126.47 of the Revised 41746
Code do not apply to medicaid-funded supported living. 41747

(B) As used in ~~this section and~~ sections ~~5126.41~~ 5126.40 to 41748
5126.47 of the Revised Code, "provider" means a person or 41749
government entity certified by the ~~department~~ director of mental 41750
retardation and developmental disabilities to provide supported 41751
living for individuals with mental retardation and developmental 41752
disabilities. 41753

~~(B) This division is in effect until July 1, 1995. By~~ 41754
~~adoption of a resolution by affirmative vote of a majority of its~~ 41755
~~members, a county board of mental retardation and developmental~~ 41756
~~disabilities shall have authority to plan and develop supported~~ 41757
~~living for individuals with mental retardation and developmental~~ 41758
~~disabilities who are residents of the county and, as provided in~~ 41759

~~sections 5126.41 to 5126.47 of the Revised Code, contract with 41760
providers and enter into shared funding arrangements. The board's 41761
authority under this division is effective on the department's 41762
receipt of the resolution. 41763~~

(C) On and after July 1, 1995, each county board shall plan 41764
and develop supported living for individuals with mental 41765
retardation and developmental disabilities who are residents of 41766
the county in accordance with sections 5126.41 to 5126.47 of the 41767
Revised Code. 41768

Sec. 5126.42. (A) A county board of mental retardation and 41769
developmental disabilities shall establish an advisory council 41770
composed of board members or employees of the board, providers, 41771
individuals receiving supported living, and advocates for 41772
individuals receiving supported living to provide on-going 41773
communication among all persons concerned with supported living. 41774

(B) The board shall develop procedures for the resolution of 41775
grievances between the board and providers or between the board 41776
and an entity with which it has a shared funding agreement. 41777

(C) The board shall develop and implement a provider 41778
selection system. Each system shall enable an individual to choose 41779
to continue receiving supported living from the same providers, to 41780
select additional providers, or to choose alternative providers. 41781
Annually, the board shall review its provider selection system to 41782
determine whether it has been implemented in a manner that allows 41783
individuals fair and equitable access to providers. 41784

In developing a provider selection system, the county board 41785
shall create a pool of providers for individuals to use in 41786
choosing their providers of supported living. The pool shall be 41787
created by placing in the pool all providers on record with the 41788
board or by placing in the pool all providers approved by the 41789
board through soliciting requests for proposals for supported 41790

living contracts. In either case, only providers that are 41791
certified by the ~~department~~ director of mental retardation and 41792
developmental disabilities ~~and in compliance with the quality~~ 41793
~~assurance standards established in rules adopted by the department~~ 41794
may be placed in the pool. 41795

If the board places all providers on record in the pool, the 41796
board shall review the pool at least annually to determine whether 41797
each provider has continued interest in being a provider and has 41798
maintained its certification by the department. At any time, an 41799
interested and certified provider may make a request to the board 41800
that it be added to the pool, and the board shall add the provider 41801
to the pool not later than seven days after receiving the request. 41802

If the board solicits requests for proposals for inclusion of 41803
providers in the pool, the board shall develop standards for 41804
selecting the providers to be included. Requests for proposals 41805
shall be solicited at least annually. When requests are solicited, 41806
the board shall cause legal notices to be published at least once 41807
each week for two consecutive weeks in a newspaper with general 41808
circulation within the county. The board's formal request for 41809
proposals shall include a description of any applicable contract 41810
terms, the standards that are used to select providers for 41811
inclusion in the pool, and the process the board uses to resolve 41812
disputes arising from the selection process. The board shall 41813
accept requests from any entity interested in being a provider of 41814
supported living for individuals served by the board. Requests 41815
shall be approved or denied according to the standards developed 41816
by the board. Providers that previously have been placed in the 41817
pool are not required to resubmit a request for proposal to be 41818
included in the pool, unless the board's standards have been 41819
changed. 41820

In assisting an individual in choosing a provider, the county 41821
board shall provide the individual with uniform and consistent 41822

information pertaining to each provider in the pool, ~~including the~~ 41823
~~provider evaluations conducted under section 5126.431 of the~~ 41824
~~Revised Code on and after July 1, 1995.~~ An individual may choose 41825
to receive supported living from a provider that is not included 41826
in the pool, if the provider is certified by the ~~department~~ 41827
director of mental retardation and developmental disabilities ~~and~~ 41828
~~in compliance with the quality assurance standards established in~~ 41829
~~rules adopted by the department.~~ 41830

Sec. 5126.43. (A) After receiving notice from the department 41831
of mental retardation and developmental disabilities of the amount 41832
of state funds to be distributed to it ~~under section 5126.44 of~~ 41833
~~the Revised Code for planning, developing, contracting for, and~~ 41834
providing supported living, the county board of mental retardation 41835
and developmental disabilities shall arrange for supported living 41836
on behalf of and with the consent of individuals based on their 41837
individual service plans developed under section 5126.41 of the 41838
Revised Code. With the state distribution and any other money 41839
designated by the board for supported living, the board shall 41840
arrange for supported living in one or more of the following ways: 41841

(1) By contracting under section 5126.45 of the Revised Code 41842
with providers selected by the individual to be served; 41843

(2) By entering into shared funding agreements with state 41844
agencies, local public agencies, or political subdivisions at 41845
rates negotiated by the board; 41846

(3) By providing direct payment or vouchers to be used to 41847
purchase supported living, pursuant to a written contract in an 41848
amount determined by the board, to the individual or a person 41849
providing the individual with protective services as defined in 41850
section 5123.55 of the Revised Code. 41851

(B) ~~When the board contracts for supported living on behalf~~ 41852
~~of an individual, the~~ The board may contract arrange for supported 41853

~~living only with providers that are certified by the department 41854
director of mental retardation and developmental disabilities and 41855
are in compliance with the quality assurance standards established 41856
in rules adopted by the department. The contract terms shall be as 41857
provided in section 5126.45 of the Revised Code. 41858~~

When no certified provider is willing and able to provide 41859
supported living for an individual in accordance with the terms of 41860
the individual service plan for that individual, a county board 41861
may provide supported living directly, if it ~~complies with 41862
certification and quality assurance standards established by the 41863
department is certified by the director of mental retardation and 41864
developmental disabilities to provide supported living. 41865~~

A county board may, for a period not to exceed ninety days, 41866
contract for or provide supported living without meeting the 41867
requirements of this section for an individual it determines to be 41868
in emergency need of supported living. Thereafter, the individual 41869
shall choose providers in accordance with sections 5126.41 and 41870
5126.42 of the Revised Code. 41871

Sec. 5126.45. (A) A contract between a county board of mental 41872
retardation and developmental disabilities and a provider of 41873
supported living shall be in writing and shall be based on the 41874
individual service plan developed by the individual under section 41875
5126.41 of the Revised Code. The plan may be submitted as an 41876
addendum to the contract. An individual receiving services 41877
pursuant to a contract shall be considered a third-party 41878
beneficiary to the contract. 41879

~~The board shall not contract with a provider to provide a 41880
residence to a person to whom the provider is providing other 41881
supported living services, unless one of the following applies: 41882~~

~~(1) The provider is under contract with the board for both 41883
residence and services on July 17, 1990, and the contract is being 41884~~

~~renewed.~~ 41885

~~(2) The provider has a contract being transferred from the state to the county board under section 5126.451 of the Revised Code and the contract is being renewed.~~ 41886
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~~(3) The provider lives in the residence and provides services to not more than three persons who reside in the residence at any one time.~~ 41889
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~~(4) The provider is an association of family members related to two or more of the persons who reside in the residence and provides services to not more than four persons who reside in the residence at any one time.~~ 41892
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(B) The contract shall be negotiated between the provider and the county board. The terms of the contract shall include at least the following: 41896
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(1) The contract period and conditions for renewal; 41899

(2) The services to be provided pursuant to the individual service plan; 41900
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(3) The rights and responsibilities of all parties to the contract; 41902
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(4) The methods that will be used to evaluate the services delivered by the provider; 41904
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(5) Procedures for contract modification that ensure all parties affected by the modification are involved and agree; 41906
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(6) A process for resolving conflicts between individuals receiving services, the county board, and the provider, as applicable; 41908
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(7) Procedures for the retention of applicable records; 41911

(8) Provisions for contract termination by any party involved that include requirements for an appropriate notice of intent to 41912
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terminate the contract;	41914
(9) Methods to be used to document services provided;	41915
(10) Procedures for submitting reports required by the county board as a condition of receiving payment under the contract;	41916 41917
(11) The method and schedule the board will use to make payments to the provider and whether periodic payment adjustments will be made to the provider;	41918 41919 41920
(12) Provisions for conducting fiscal reconciliations for payments made through methods other than a fee-for-service arrangement.	41921 41922 41923
(C) Payments to the provider under a supported living contract must be determined by the board to be reasonable in accordance with policies and procedures developed by the board. Goods or services provided without charge to the provider shall not be included as expenditures of the provider.	41924 41925 41926 41927 41928
(D) The board shall establish procedures for reconciling expenditures and payments, other than those made under a fee-for-service arrangement, for the prior contract year when a contract is not renewed and shall reconcile expenditures and payments in accordance with these procedures.	41929 41930 41931 41932 41933
(E) A provider or an entity with which the board has entered into a shared funding agreement may appeal a negotiated contract or proposed shared funding rate to the county board using the procedures established by the board under section 5126.42 of the Revised Code.	41934 41935 41936 41937 41938
Sec. 5126.47. A county board of mental retardation and developmental disabilities that has adopted a resolution under section 5126.40 of the Revised Code may, pursuant to a resolution adopted by an affirmative vote of the majority of its members, establish, by agreement with one or more other county boards of	41939 41940 41941 41942 41943

mental retardation and developmental disabilities, a residential 41944
services consortium to jointly provide residential services and 41945
supported living. The agreement shall designate one board to 41946
assume the fiscal responsibilities for the consortium. The county 41947
auditor of the designated county shall establish a community 41948
mental retardation and developmental disabilities residential 41949
services fund for the consortium. Each board that is a member of 41950
the consortium shall cause to be deposited in the fund ~~all moneys~~ 41951
~~distributed to it by the department of mental retardation and~~ 41952
~~developmental disabilities under section 5126.44 of the Revised~~ 41953
~~Code and any other~~ state or federal money received for community 41954
residential services the county board has agreed to contribute to 41955
the consortium. 41956

Sec. 5139.27. The department of youth services shall adopt 41957
rules prescribing the minimum standards of construction for a 41958
school, forestry camp, or other facility established under section 41959
2151.65 of the Revised Code for which financial assistance may be 41960
granted to assist in defraying the cost of the construction of the 41961
school, forestry camp, or other facility. If an application for 41962
that financial assistance is filed with the department under 41963
section 2151.651 of the Revised Code, and the department finds 41964
that the application is in proper form and the specifications for 41965
the construction of the school, forestry camp, or other facility 41966
meet the minimum standards set forth in the rules adopted by the 41967
department, the department may, from moneys available to it for 41968
granting financial assistance for the construction of schools, 41969
forestry camps, or other facilities established under section 41970
2151.65 of the Revised Code, grant financial assistance to the 41971
county making the application, subject to the approval of the 41972
controlling board, in an amount not to exceed one-half of the 41973
county's share of the cost of construction of the school, forestry 41974
camp, or other facility but not to exceed six thousand five 41975

hundred dollars for each bed unit provided for in the school, 41976
forestry camp, or other facility. As used in this section, 41977
"construction" means the building and the initial equipping of new 41978
structures and, to the extent provided for in rules adopted by the 41979
department, the acquisition, remodeling, and initial equipping of 41980
existing structures, excluding architect's fees and the cost of 41981
land acquisition. 41982

A county that receives financial assistance under this 41983
section shall not be obligated to repay the assistance to the 41984
state unless the school, forestry camp, or other facility for 41985
which the assistance is granted is used within the ten-year period 41986
immediately following its establishment for other than the purpose 41987
of rehabilitating children between the ages of twelve to eighteen 41988
years, other than psychotic or mentally retarded children, who are 41989
designated delinquent children, as defined in section 2152.02 of 41990
the Revised Code, or unruly, as defined in section 2151.022 of the 41991
Revised Code, by order of a juvenile court. If the department of 41992
youth services finds that the school, forestry camp, or other 41993
facility is used for other than that purpose within that ten-year 41994
period, the county shall be obligated to repay the assistance to 41995
the state and, through its board of county commissioners, may 41996
enter into an agreement with the director of budget and management 41997
for the discharge of that obligation over a period not to exceed 41998
ten years in duration. Whenever a county is obligated to repay 41999
that assistance to the state and its board of county commissioners 42000
fails to enter into or fails to comply with an agreement for the 42001
discharge of that obligation, the tax commissioner, pursuant to 42002
section 5747.54 of the Revised Code, shall withhold from 42003
distribution to the county from the local ~~government~~ communities 42004
fund an amount sufficient to discharge the county from that 42005
obligation to the state. 42006

Sec. 5139.271. Subject to the approval of the controlling board, the department of youth services may grant and pay financial assistance to defray the county's share of the cost of acquiring or constructing a district detention facility, established under section 2152.41 of the Revised Code, to any county making application under section 2152.43 of the Revised Code if the department finds that the application was made in accordance with its rules and the facility or the specifications for the facility meet minimum standards established by the department. No financial assistance shall be granted for defraying the cost of architects' fees or land.

The department shall adopt rules prescribing the minimum standards of construction and condition of existing structures, established under section 2152.41 of the Revised Code, for which financial assistance is granted under this section. The department may recommend programs of education and training and the qualifications desired for personnel of a district detention facility.

The amount of financial assistance granted to any county shall not exceed one-half of the county's share of the cost of acquisition or construction of the facility. The total of all state assistance for any home shall not exceed six thousand five hundred dollars for each bed unit provided for in the facility.

A county that receives financial assistance under this section shall repay the assistance to the state if the facility for which the assistance is granted is used within the ten-year period immediately following its establishment for purposes other than those contained in section 2152.41 of the Revised Code. A board of county commissioners that uses the facility for any other purpose within that period shall enter into an agreement with the director of budget and management for the discharge of that

obligation over a period not to exceed ten years. If a board of 42038
county commissioners fails to enter into an agreement for the 42039
discharge of that obligation, or fails to comply with the terms of 42040
such an agreement, the director shall direct the tax commissioner, 42041
pursuant to section 5747.54 of the Revised Code, to withhold from 42042
the distribution of the local ~~government~~ communities fund an 42043
amount sufficient to discharge the obligation. 42044

As used in this section: 42045

(A) "Construction" means the building and initial equipping 42046
of new structures. 42047

(B) "Acquisition" means "acquisition" as defined in the rules 42048
of the department, which may include the purchase, remodeling, and 42049
initial equipping of existing structures. 42050

Sec. 5139.43. (A) The department of youth services shall 42051
operate a felony delinquent care and custody program that shall be 42052
operated in accordance with the formula developed pursuant to 42053
section 5139.41 of the Revised Code, subject to the conditions 42054
specified in this section. 42055

(B)(1) Each juvenile court shall use the moneys disbursed to 42056
it by the department of youth services pursuant to division (B) of 42057
section 5139.41 of the Revised Code in accordance with the 42058
applicable provisions of division (B)(2) of this section and shall 42059
transmit the moneys to the county treasurer for deposit in 42060
accordance with this division. The county treasurer shall create 42061
in the county treasury a fund that shall be known as the felony 42062
delinquent care and custody fund and shall deposit in that fund 42063
the moneys disbursed to the juvenile court pursuant to division 42064
(B) of section 5139.41 of the Revised Code. The county treasurer 42065
also shall deposit into that fund the state subsidy funds granted 42066
to the county pursuant to section 5139.34 of the Revised Code. The 42067
moneys disbursed to the juvenile court pursuant to division (B) of 42068

section 5139.41 of the Revised Code and deposited pursuant to this 42069
division in the felony delinquent care and custody fund shall not 42070
be commingled with any other county funds except state subsidy 42071
funds granted to the county pursuant to section 5139.34 of the 42072
Revised Code; shall not be used for any capital construction 42073
projects; upon an order of the juvenile court and subject to 42074
appropriation by the board of county commissioners, shall be 42075
disbursed to the juvenile court for use in accordance with the 42076
applicable provisions of division (B)(2) of this section; shall 42077
not revert to the county general fund at the end of any fiscal 42078
year; and shall carry over in the felony delinquent care and 42079
custody fund from the end of any fiscal year to the next fiscal 42080
year. At the end of each fiscal year, beginning June 30, 2008, the 42081
balance in the felony delinquent care and custody fund in any 42082
county shall not exceed the total moneys allocated to the county 42083
pursuant to sections 5139.34 and 5139.41 of the Revised Code 42084
during the previous fiscal year, unless that county has applied 42085
for and been granted an exemption by the director of youth 42086
services. The department shall withhold from future payments to a 42087
county an amount equal to any moneys in the felony delinquent care 42088
and custody fund of the county that exceed the total moneys 42089
allocated pursuant to those sections to the county during the 42090
preceding fiscal year and shall reallocate the withheld amount. 42091
The department shall adopt rules for the withholding and 42092
reallocation of moneys disbursed under sections 5139.34 and 42093
5139.41 of the Revised Code and for the criteria and process for a 42094
county to obtain an exemption from the withholding requirement. 42095
The moneys disbursed to the juvenile court pursuant to division 42096
(B) of section 5139.41 of the Revised Code and deposited pursuant 42097
to this division in the felony delinquent care and custody fund 42098
shall be in addition to, and shall not be used to reduce, any 42099
usual annual increase in county funding that the juvenile court is 42100
eligible to receive or the current level of county funding of the 42101

juvenile court and of any programs or services for delinquent 42102
children, unruly children, or juvenile traffic offenders. 42103

(2)(a) A county and the juvenile court that serves the county 42104
shall use the moneys in its felony delinquent care and custody 42105
fund in accordance with rules that the department of youth 42106
services adopts pursuant to division (D) of section 5139.04 of the 42107
Revised Code and as follows: 42108

(i) The moneys in the fund that represent state subsidy funds 42109
granted to the county pursuant to section 5139.34 of the Revised 42110
Code shall be used to aid in the support of prevention, early 42111
intervention, diversion, treatment, and rehabilitation programs 42112
that are provided for alleged or adjudicated unruly children or 42113
delinquent children or for children who are at risk of becoming 42114
unruly children or delinquent children. The county shall not use 42115
for capital improvements more than fifteen per cent of the moneys 42116
in the fund that represent the applicable annual grant of those 42117
state subsidy funds. 42118

(ii) The moneys in the fund that were disbursed to the 42119
juvenile court pursuant to division (B) of section 5139.41 of the 42120
Revised Code and deposited pursuant to division (B)(1) of this 42121
section in the fund shall be used to provide programs and services 42122
for the training, treatment, or rehabilitation of felony 42123
delinquents that are alternatives to their commitment to the 42124
department, including, but not limited to, community residential 42125
programs, day treatment centers, services within the home, and 42126
electronic monitoring, and shall be used in connection with 42127
training, treatment, rehabilitation, early intervention, or other 42128
programs or services for any delinquent child, unruly child, or 42129
juvenile traffic offender who is under the jurisdiction of the 42130
juvenile court. 42131

The fund also may be used for prevention, early intervention, 42132
diversion, treatment, and rehabilitation programs that are 42133

provided for alleged or adjudicated unruly children, delinquent 42134
children, or juvenile traffic offenders or for children who are at 42135
risk of becoming unruly children, delinquent children, or juvenile 42136
traffic offenders. Consistent with division (B)(1) of this 42137
section, a county and the juvenile court of a county shall not use 42138
any of those moneys for capital construction projects. 42139

(iii) The county and the juvenile court that serves the 42140
county may not use moneys in the fund for the provision of care 42141
and services for children, including, but not limited to, care and 42142
services in a detention facility, in another facility, or in 42143
out-of-home placement, unless the minimum standards that apply to 42144
the care and services and that the department prescribes in rules 42145
adopted pursuant to division (D) of section 5139.04 of the Revised 42146
Code have been satisfied. 42147

(b) Each juvenile court shall comply with division (B)(3)(d) 42148
of this section as implemented by the department. 42149

(3) In accordance with rules adopted by the department 42150
pursuant to division (D) of section 5139.04 of the Revised Code, 42151
each juvenile court and the county served by that juvenile court 42152
shall do all of the following that apply: 42153

(a) The juvenile court shall prepare an annual grant 42154
agreement and application for funding that satisfies the 42155
requirements of this section and section 5139.34 of the Revised 42156
Code and that pertains to the use, upon an order of the juvenile 42157
court and subject to appropriation by the board of county 42158
commissioners, of the moneys in its felony delinquent care and 42159
custody fund for specified programs, care, and services as 42160
described in division (B)(2)(a) of this section, shall submit that 42161
agreement and application to the county family and children first 42162
council, the regional family and children first council, or the 42163
local intersystem services to children cluster as described in 42164
sections 121.37 and 121.38 of the Revised Code, whichever is 42165

applicable, and shall file that agreement and application with the department for its approval. The annual grant agreement and application for funding shall include a method of ensuring equal access for minority youth to the programs, care, and services specified in it.

The department may approve an annual grant agreement and application for funding only if the juvenile court involved has complied with the preparation, submission, and filing requirements described in division (B)(3)(a) of this section. If the juvenile court complies with those requirements and the department approves that agreement and application, the juvenile court and the county served by the juvenile court may expend the state subsidy funds granted to the county pursuant to section 5139.34 of the Revised Code only in accordance with division (B)(2)(a) of this section, the rules pertaining to state subsidy funds that the department adopts pursuant to division (D) of section 5139.04 of the Revised Code, and the approved agreement and application.

(b) By the thirty-first day of August of each year, the juvenile court shall file with the department a report that contains all of the statistical and other information for each month of the prior state fiscal year. If the juvenile court fails to file the report required by division (B)(3)(b) of this section by the thirty-first day of August of any year, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code the applicable allocation until the juvenile court fully complies with division (B)(3)(b) of this section.

(c) If the department requires the juvenile court to prepare monthly statistical reports and to submit the reports on forms provided by the department, the juvenile court shall file those

reports with the department on the forms so provided. If the 42198
juvenile court fails to prepare and submit those monthly 42199
statistical reports within the department's timelines, the 42200
department shall not disburse any payment of state subsidy funds 42201
to which the county otherwise is entitled pursuant to section 42202
5139.34 of the Revised Code and shall not disburse pursuant to 42203
division (B) of section 5139.41 of the Revised Code the applicable 42204
allocation until the juvenile court fully complies with division 42205
(B)(3)(c) of this section. If the juvenile court fails to prepare 42206
and submit those monthly statistical reports within one hundred 42207
eighty days of the date the department establishes for their 42208
submission, the department shall not disburse any payment of state 42209
subsidy funds to which the county otherwise is entitled pursuant 42210
to section 5139.34 of the Revised Code and shall not disburse 42211
pursuant to division (B) of section 5139.41 of the Revised Code 42212
the applicable allocation, and the state subsidy funds and the 42213
remainder of the applicable allocation shall revert to the 42214
department. If a juvenile court states in a monthly statistical 42215
report that the juvenile court adjudicated within a state fiscal 42216
year five hundred or more children to be delinquent children for 42217
committing acts that would be felonies if committed by adults and 42218
if the department determines that the data in the report may be 42219
inaccurate, the juvenile court shall have an independent auditor 42220
or other qualified entity certify the accuracy of the data on a 42221
date determined by the department. 42222

(d) If the department requires the juvenile court and the 42223
county to participate in a fiscal monitoring program or another 42224
monitoring program that is conducted by the department to ensure 42225
compliance by the juvenile court and the county with division (B) 42226
of this section, the juvenile court and the county shall 42227
participate in the program and fully comply with any guidelines 42228
for the performance of audits adopted by the department pursuant 42229
to that program and all requests made by the department pursuant 42230

to that program for information necessary to reconcile fiscal 42231
accounting. If an audit that is performed pursuant to a fiscal 42232
monitoring program or another monitoring program described in this 42233
division determines that the juvenile court or the county used 42234
moneys in the county's felony delinquent care and custody fund for 42235
expenses that are not authorized under division (B) of this 42236
section, within forty-five days after the department notifies the 42237
county of the unauthorized expenditures, the county either shall 42238
repay the amount of the unauthorized expenditures from the county 42239
general revenue fund to the state's general revenue fund or shall 42240
file a written appeal with the department. If an appeal is timely 42241
filed, the director of the department shall render a decision on 42242
the appeal and shall notify the appellant county or its juvenile 42243
court of that decision within forty-five days after the date that 42244
the appeal is filed. If the director denies an appeal, the 42245
county's fiscal agent shall repay the amount of the unauthorized 42246
expenditures from the county general revenue fund to the state's 42247
general revenue fund within thirty days after receiving the 42248
director's notification of the appeal decision. If the county 42249
fails to make the repayment within that thirty-day period and if 42250
the unauthorized expenditures pertain to moneys allocated under 42251
sections 5139.41 to 5139.43 of the Revised Code, the department 42252
shall deduct the amount of the unauthorized expenditures from the 42253
next allocation of those moneys to the county in accordance with 42254
this section or from the allocations that otherwise would be made 42255
under those sections to the county during the next state fiscal 42256
year in accordance with this section and shall return that 42257
deducted amount to the state's general revenue fund. If the county 42258
fails to make the repayment within that thirty-day period and if 42259
the unauthorized expenditures pertain to moneys granted pursuant 42260
to section 5139.34 of the Revised Code, the department shall 42261
deduct the amount of the unauthorized expenditures from the next 42262
annual grant to the county pursuant to that section and shall 42263

return that deducted amount to the state's general revenue fund. 42264

(C) The determination of which county a reduction of the care 42265
and custody allocation will be charged against for a particular 42266
youth shall be made as outlined below for all youths who do not 42267
qualify as public safety beds. The determination of which county a 42268
reduction of the care and custody allocation will be charged 42269
against shall be made as follows until each youth is released: 42270
42271

(1) In the event of a commitment, the reduction shall be 42272
charged against the committing county. 42273

(2) In the event of a recommitment, the reduction shall be 42274
charged against the original committing county until the 42275
expiration of the minimum period of institutionalization under the 42276
original order of commitment or until the date on which the youth 42277
is admitted to the department of youth services pursuant to the 42278
order of recommitment, whichever is later. Reductions of the 42279
allocation shall be charged against the county that recommitted 42280
the youth after the minimum expiration date of the original 42281
commitment. 42282

(3) In the event of a revocation of a release on parole, the 42283
reduction shall be charged against the county that revokes the 42284
youth's parole. 42285

(D) A juvenile court is not precluded by its allocation 42286
amount for the care and custody of felony delinquents from 42287
committing a felony delinquent to the department of youth services 42288
for care and custody in an institution or a community corrections 42289
facility when the juvenile court determines that the commitment is 42290
appropriate. 42291

Sec. 5528.54. (A) The commissioners of the sinking fund are 42292
authorized to issue and sell, as provided in this section and in 42293

amounts from time to time authorized by the general assembly, 42294
general obligations of this state for the purpose of financing or 42295
assisting in the financing of the costs of projects. The full 42296
faith and credit, revenues, and taxing power of the state are and 42297
shall be pledged to the timely payment of bond service charges on 42298
outstanding obligations, all in accordance with Section 2m of 42299
Article VIII, Ohio Constitution, and sections 5528.51 to 5528.53 42300
of the Revised Code, and so long as such obligations are 42301
outstanding there shall be levied and collected excises, taxes, 42302
and other revenues in amounts sufficient to pay the bond service 42303
charges on such obligations and costs relating to credit 42304
enhancement facilities. 42305

(B) Not more than two hundred twenty million dollars 42306
principal amount of obligations, plus the principal amount of 42307
obligations that in any prior fiscal years could have been, but 42308
were not issued within that two-hundred-twenty-million-dollar 42309
fiscal year limit, may be issued in any fiscal year, and not more 42310
~~that~~ than one billion two hundred million dollars principal amount 42311
of obligations may be outstanding at any one time, all determined 42312
as provided in sections 5528.51 to 5528.53 of the Revised Code. 42313

(C) The state may participate in financing projects by 42314
grants, loans, or contributions to local government entities. 42315

(D) Each issue of obligations shall be authorized by 42316
resolution of the commissioners. The bond proceedings shall 42317
provide for the principal amount or maximum principal amount of 42318
obligations of an issue, and shall provide for or authorize the 42319
manner for determining the principal maturity or maturities, not 42320
exceeding the earlier of thirty years from the date of issuance of 42321
the particular obligations or thirty years from the date the debt 42322
represented by the particular obligations was originally 42323
contracted, the interest rate or rates, the date of and the dates 42324
of payment of interest on the obligations, their denominations, 42325

and the establishment within or outside the state of a place or 42326
places of payment of bond service charges. Sections 9.96, 9.98, 42327
9.981, 9.982, and 9.983 of the Revised Code are applicable to the 42328
obligations. The purpose of the obligations may be stated in the 42329
bond proceedings as "financing or assisting in the financing of 42330
highway capital improvement projects as provided in Section 2m of 42331
Article VIII, Ohio Constitution." 42332

(E) The proceeds of the obligations, except for any portion 42333
to be deposited into special funds, or into escrow funds for the 42334
purpose of refunding outstanding obligations, all as may be 42335
provided in the bond proceedings, shall be deposited into the 42336
highway capital improvement fund established by section 5528.53 of 42337
the Revised Code. 42338

(F) The commissioners may appoint or provide for the 42339
appointment of paying agents, bond registrars, securities 42340
depositories, and transfer agents, and may retain the services of 42341
financial advisers and accounting experts, and retain or contract 42342
for the services of marketing, remarketing, indexing, and 42343
administrative agents, other consultants, and independent 42344
contractors, including printing services, as are necessary in the 42345
judgment of the commissioners to carry out sections 5528.51 to 42346
5528.53 of the Revised Code. Financing costs are payable, as 42347
provided in the bond proceedings, from the proceeds of the 42348
obligations, from special funds, or from other moneys available 42349
for the purpose. 42350

(G) The bond proceedings, including any trust agreement, may 42351
contain additional provisions customary or appropriate to the 42352
financing or to the obligations or to particular obligations 42353
including, but not limited to: 42354

(1) The redemption of obligations prior to maturity at the 42355
option of the state or of the holder or upon the occurrence of 42356
certain conditions at such price or prices and under such terms 42357

and conditions as are provided in the bond proceedings; 42358

(2) The form of and other terms of the obligations; 42359

(3) The establishment, deposit, investment, and application 42360
of special funds, and the safeguarding of moneys on hand or on 42361
deposit, in lieu of otherwise applicable provisions of Chapter 42362
131. or 135. of the Revised Code, but subject to any special 42363
provisions of this section with respect to particular funds or 42364
moneys, and provided that any bank or trust company that acts as a 42365
depository of any moneys in special funds may furnish such 42366
indemnifying bonds or may pledge such securities as required by 42367
the commissioners; 42368

(4) Any or every provision of the bond proceedings binding 42369
upon the commissioners and such state agency or local government 42370
entities, officer, board, commission, authority, agency, 42371
department, or other person or body as may from time to time have 42372
the authority under law to take such actions as may be necessary 42373
to perform all or any part of the duty required by such provision; 42374

(5) The maintenance of each pledge, any trust agreement, or 42375
other instrument composing part of the bond proceedings until the 42376
state has fully paid or provided for the payment of the bond 42377
service charges on the obligations or met other stated conditions; 42378

(6) In the event of default in any payments required to be 42379
made by the bond proceedings, or any other agreement of the 42380
commissioners made as part of a contract under which the 42381
obligations were issued or secured, the enforcement of such 42382
payments or agreements by mandamus, suit in equity, action at law, 42383
or any combination of the foregoing; 42384

(7) The rights and remedies of the holders of obligations and 42385
of the trustee under any trust agreement, and provisions for 42386
protecting and enforcing them, including limitations on rights of 42387
individual holders of obligations; 42388

(8) The replacement of any obligations that become mutilated	42389
or are destroyed, lost, or stolen;	42390
(9) Provision for the funding, refunding, or advance	42391
refunding or other provision for payment of obligations that will	42392
then no longer be outstanding for purposes of sections 5528.51 to	42393
5528.56 of the Revised Code or of the bond proceedings;	42394
(10) Any provision that may be made in bond proceedings or a	42395
trust agreement, including provision for amendment of the bond	42396
proceedings;	42397
(11) Any other or additional agreements with the holders of	42398
the obligations relating to any of the foregoing;	42399
(12) Such other provisions as the commissioners determine,	42400
including limitations, conditions, or qualifications relating to	42401
any of the foregoing.	42402
(H) The great seal of the state or a facsimile of that seal	42403
may be affixed to or printed on the obligations. The obligations	42404
requiring signatures by the commissioners shall be signed by or	42405
bear the facsimile signatures of two or more of the commissioners	42406
as provided in the bond proceedings. Any obligations may be signed	42407
by the person who, on the date of execution, is the authorized	42408
signer although on the date of such obligations such person was	42409
not a commissioner. In case the individual whose signature or a	42410
facsimile of whose signature appears on any obligation ceases to	42411
be a commissioner before delivery of the obligation, such	42412
signature or facsimile is nevertheless valid and sufficient for	42413
all purposes as if that individual had remained the member until	42414
such delivery, and in case the seal to be affixed to or printed on	42415
obligations has been changed after the seal has been affixed to or	42416
a facsimile of the seal has been printed on the obligations, that	42417
seal or facsimile seal shall continue to be sufficient as to those	42418
obligations and obligations issued in substitution or exchange	42419

therefor. 42420

(I) The obligations are negotiable instruments and securities 42421
under Chapter 1308. of the Revised Code, subject to the provisions 42422
of the bond proceedings as to registration. Obligations may be 42423
issued in coupon or in fully registered form, or both, as the 42424
commissioners determine. Provision may be made for the 42425
registration of any obligations with coupons attached as to 42426
principal alone or as to both principal and interest, their 42427
exchange for obligations so registered, and for the conversion or 42428
reconversion into obligations with coupons attached of any 42429
obligations registered as to both principal and interest, and for 42430
reasonable charges for such registration, exchange, conversion, 42431
and reconversion. Pending preparation of definitive obligations, 42432
the commissioners may issue interim receipts or certificates which 42433
shall be exchanged for such definitive obligations. 42434

(J) Obligations may be sold at public sale or at private 42435
sale, and at such price at, above, or below par, as determined by 42436
the commissioners in the bond proceedings. 42437

(K) In the discretion of the commissioners, obligations may 42438
be secured additionally by a trust agreement between the state and 42439
a corporate trustee which may be any trust company or bank having 42440
~~its principal~~ a place of business within the state. Any trust 42441
agreement may contain the resolution authorizing the issuance of 42442
the obligations, any provisions that may be contained in the bond 42443
proceedings, and other provisions that are customary or 42444
appropriate in an agreement of the type. 42445

(L) Except to the extent that their rights are restricted by 42446
the bond proceedings, any holder of obligations, or a trustee 42447
under the bond proceedings may by any suitable form of legal 42448
proceedings protect and enforce any rights under the laws of this 42449
state or granted by the bond proceedings. Such rights include the 42450
right to compel the performance of all duties of the commissioners 42451

and the state. Each duty of the commissioners and its employees, 42452
and of each state agency and local government entity and its 42453
officers, members, or employees, undertaken pursuant to the bond 42454
proceedings, is hereby established as a duty of the commissioners, 42455
and of each such agency, local government entity, officer, member, 42456
or employee having authority to perform such duty, specifically 42457
enjoined by the law and resulting from an office, trust, or 42458
station within the meaning of section 2731.01 of the Revised Code. 42459
The persons who are at the time the commissioners of the sinking 42460
fund, or its employees, are not liable in their personal 42461
capacities on any obligations or any agreements of or with the 42462
commissioners relating to obligations or under the bond 42463
proceedings. 42464

(M) Obligations are lawful investments for banks, societies 42465
for savings, savings and loan associations, deposit guarantee 42466
associations, trust companies, trustees, fiduciaries, insurance 42467
companies, including domestic for life and domestic not for life, 42468
trustees or other officers having charge of sinking and bond 42469
retirement or other special funds of political subdivisions and 42470
taxing districts of this state, the commissioners of the sinking 42471
fund, the administrator of workers' compensation, subject to the 42472
approval of the workers' compensation board and the industrial 42473
commission, the state teachers retirement system, the public 42474
employees retirement system, the school employees retirement 42475
system, and the Ohio police and fire pension fund, notwithstanding 42476
any other provisions of the Revised Code or rules adopted pursuant 42477
thereto by any state agency with respect to investments by them, 42478
and are also acceptable as security for the deposit of public 42479
moneys. 42480

(N) Unless otherwise provided in any applicable bond 42481
proceedings, moneys to the credit of or in the special funds 42482
established by or pursuant to this section may be invested by or 42483

on behalf of the commissioners only in notes, bonds, or other 42484
direct obligations of the United States or of any agency or 42485
instrumentality thereof, in obligations of this state or any 42486
political subdivision of this state, in certificates of deposit of 42487
any national bank located in this state and any bank, as defined 42488
in section 1101.01 of the Revised Code, subject to inspection by 42489
the superintendent of financial institutions, in the Ohio 42490
subdivision's fund established pursuant to section 135.45 of the 42491
Revised Code, in no-front-end-load money market mutual funds 42492
consisting exclusively of direct obligations of the United States 42493
or of an agency or instrumentality thereof, and in repurchase 42494
agreements, including those issued by any fiduciary, secured by 42495
direct obligations of the United States or an agency or 42496
instrumentality thereof, and in common trust funds established in 42497
accordance with section 1109.20 of the Revised Code and consisting 42498
exclusively of direct obligations of the United States or of an 42499
agency or instrumentality thereof, notwithstanding division (A)(4) 42500
of that section. The income from investments shall be credited to 42501
such special funds or otherwise as the commissioners determine in 42502
the bond proceedings, and the investments may be sold or exchanged 42503
at such times as the commissioners determine or authorize. 42504

(O) Unless otherwise provided in any applicable bond 42505
proceedings, moneys to the credit of or in a special fund shall be 42506
disbursed on the order of the commissioners, provided that no such 42507
order is required for the payment from the bond service fund or 42508
other special fund when due of bond service charges or required 42509
payments under credit enhancement facilities. 42510

(P) The commissioners may covenant in the bond proceedings, 42511
and any such covenants shall be controlling notwithstanding any 42512
other provision of law, that the state and the applicable officers 42513
and agencies of the state, including the general assembly, shall, 42514
so long as any obligations are outstanding in accordance with 42515

their terms, maintain statutory authority for and cause to be 42516
charged and collected taxes, excises, and other receipts of the 42517
state so that the receipts to the bond service fund shall be 42518
sufficient in amounts to meet bond service charges and for the 42519
establishment and maintenance of any reserves and other 42520
requirements, including payment of financing costs, provided for 42521
in the bond proceedings. 42522

(Q) The obligations, and the transfer of, and the interest, 42523
interest equivalent, and other income and accreted amounts from, 42524
including any profit made on the sale, exchange, or other 42525
disposition of, the obligations shall at all times be free from 42526
taxation, direct or indirect, within the state. 42527

(R) This section applies only with respect to obligations 42528
issued and delivered prior to September 30, 2000. 42529

Sec. 5531.10. (A) As used in this chapter: 42530

(1) "Bond proceedings" means the resolution, order, trust 42531
agreement, indenture, lease, lease-purchase agreements, and other 42532
agreements, amendments and supplements to the foregoing, or any 42533
one or more or combination thereof, authorizing or providing for 42534
the terms and conditions applicable to, or providing for the 42535
security or liquidity of, obligations issued pursuant to this 42536
section, and the provisions contained in such obligations. 42537

(2) "Bond service charges" means principal, including 42538
mandatory sinking fund requirements for retirement of obligations, 42539
and interest, and redemption premium, if any, required to be paid 42540
by the state on obligations. 42541

(3) "Bond service fund" means the applicable fund and 42542
accounts therein created for and pledged to the payment of bond 42543
service charges, which may be, or may be part of, the state 42544
infrastructure bank revenue bond service fund created by division 42545

(R) of this section including all moneys and investments, and 42546
earnings from investments, credited and to be credited thereto. 42547

(4) "Issuing authority" means the treasurer of state, or the 42548
officer who by law performs the functions of the treasurer of 42549
state. 42550

(5) "Obligations" means bonds, notes, or other evidence of 42551
obligation including interest coupons pertaining thereto, issued 42552
pursuant to this section. 42553

(6) "Pledged receipts" means moneys accruing to the state 42554
from the lease, lease-purchase, sale, or other disposition, or 42555
use, of qualified projects, and from the repayment, including 42556
interest, of loans made from proceeds received from the sale of 42557
obligations; accrued interest received from the sale of 42558
obligations; income from the investment of the special funds; any 42559
gifts, grants, donations, and pledges, and receipts therefrom, 42560
available for the payment of bond service charges; and any amounts 42561
in the state infrastructure bank pledged to the payment of such 42562
charges. If the amounts in the state infrastructure bank are 42563
insufficient for the payment of such charges, "pledged receipts" 42564
also means moneys that are apportioned by the United States 42565
secretary of transportation under United States Code, Title XXIII, 42566
as amended, or any successor legislation, or under any other 42567
federal law relating to aid for highways, and that are to be 42568
received as a grant by the state, to the extent the state is not 42569
prohibited by state or federal law from using such moneys and the 42570
moneys are pledged to the payment of such bond service charges. 42571

(7) "Special funds" or "funds" means, except where the 42572
context does not permit, the bond service fund, and any other 42573
funds, including reserve funds, created under the bond 42574
proceedings, and the state infrastructure bank revenue bond 42575
service fund created by division (R) of this section to the extent 42576
provided in the bond proceedings, including all moneys and 42577

investments, and earnings from investment, credited and to be 42578
credited thereto. 42579

(8) "State infrastructure project" means any public 42580
transportation project undertaken by the state, including, but not 42581
limited to, all components of any such project, as described in 42582
division (D) of section 5531.09 of the Revised Code. 42583

(9) "District obligations" means bonds, notes, or other 42584
evidence of obligation including interest coupons pertaining 42585
thereto, issued to finance a qualified project by a transportation 42586
improvement district created pursuant to section 5540.02 of the 42587
Revised Code, of which the principal, including mandatory sinking 42588
fund requirements for retirement of such obligations, and interest 42589
and redemption premium, if any, are payable by the department of 42590
transportation. 42591

(B) The issuing authority, after giving written notice to the 42592
director of budget and management and upon the certification by 42593
the director of transportation to the issuing authority of the 42594
amount of moneys or additional moneys needed either for state 42595
infrastructure projects or to provide financial assistance for any 42596
of the purposes for which the state infrastructure bank may be 42597
used under section 5531.09 of the Revised Code, or needed for 42598
capitalized interest, funding reserves, and paying costs and 42599
expenses incurred in connection with the issuance, carrying, 42600
securing, paying, redeeming, or retirement of the obligations or 42601
any obligations refunded thereby, including payment of costs and 42602
expenses relating to letters of credit, lines of credit, 42603
insurance, put agreements, standby purchase agreements, indexing, 42604
marketing, remarketing and administrative arrangements, interest 42605
swap or hedging agreements, and any other credit enhancement, 42606
liquidity, remarketing, renewal, or refunding arrangements, all of 42607
which are authorized by this section, shall issue obligations of 42608
the state under this section in the required amount. The proceeds 42609

of such obligations, except for the portion to be deposited in 42610
special funds, including reserve funds, as may be provided in the 42611
bond proceedings, shall as provided in the bond proceedings be 42612
credited to the infrastructure bank obligations fund of the state 42613
infrastructure bank created by section 5531.09 of the Revised Code 42614
and disbursed as provided in the bond proceedings for such 42615
obligations. The issuing authority may appoint trustees, paying 42616
agents, transfer agents, and authenticating agents, and may retain 42617
the services of financial advisors, accounting experts, and 42618
attorneys, and retain or contract for the services of marketing, 42619
remarketing, indexing, and administrative agents, other 42620
consultants, and independent contractors, including printing 42621
services, as are necessary in the issuing authority's judgment to 42622
carry out this section. The costs of such services are payable 42623
from funds of the state infrastructure bank. 42624

(C) The holders or owners of such obligations shall have no 42625
right to have moneys raised by taxation by the state of Ohio 42626
obligated or pledged, and moneys so raised shall not be obligated 42627
or pledged, for the payment of bond service charges. The right of 42628
such holders and owners to the payment of bond service charges is 42629
limited to all or that portion of the pledged receipts and those 42630
special funds pledged thereto pursuant to the bond proceedings for 42631
such obligations in accordance with this section, and each such 42632
obligation shall bear on its face a statement to that effect. 42633
Moneys received as repayment of loans made by the state 42634
infrastructure bank pursuant to section 5531.09 of the Revised 42635
Code shall not be considered moneys raised by taxation by the 42636
state of Ohio regardless of the source of the moneys. 42637

(D) Obligations shall be authorized by order of the issuing 42638
authority and the bond proceedings shall provide for the purpose 42639
thereof and the principal amount or amounts, and shall provide for 42640
or authorize the manner or agency for determining the principal 42641

maturity or maturities, not exceeding twenty-five years from the 42642
date of issuance, the interest rate or rates or the maximum 42643
interest rate, the date of the obligations and the dates of 42644
payment of interest thereon, their denomination, and the 42645
establishment within or without the state of a place or places of 42646
payment of bond service charges. Sections 9.98 to 9.983 of the 42647
Revised Code are applicable to obligations issued under this 42648
section. The purpose of such obligations may be stated in the bond 42649
proceedings in terms describing the general purpose or purposes to 42650
be served. The bond proceedings also shall provide, subject to the 42651
provisions of any other applicable bond proceedings, for the 42652
pledge of all, or such part as the issuing authority may 42653
determine, of the pledged receipts and the applicable special fund 42654
or funds to the payment of bond service charges, which pledges may 42655
be made either prior or subordinate to other expenses, claims, or 42656
payments, and may be made to secure the obligations on a parity 42657
with obligations theretofore or thereafter issued, if and to the 42658
extent provided in the bond proceedings. The pledged receipts and 42659
special funds so pledged and thereafter received by the state 42660
immediately are subject to the lien of such pledge without any 42661
physical delivery thereof or further act, and the lien of any such 42662
pledges is valid and binding against all parties having claims of 42663
any kind against the state or any governmental agency of the 42664
state, irrespective of whether such parties have notice thereof, 42665
and shall create a perfected security interest for all purposes of 42666
Chapter 1309. of the Revised Code, without the necessity for 42667
separation or delivery of funds or for the filing or recording of 42668
the bond proceedings by which such pledge is created or any 42669
certificate, statement, or other document with respect thereto; 42670
and the pledge of such pledged receipts and special funds is 42671
effective and the money therefrom and thereof may be applied to 42672
the purposes for which pledged without necessity for any act of 42673
appropriation. Every pledge, and every covenant and agreement made 42674

with respect thereto, made in the bond proceedings may therein be 42675
extended to the benefit of the owners and holders of obligations 42676
authorized by this section, and to any trustee therefor, for the 42677
further security of the payment of the bond service charges. 42678
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(E) The bond proceedings may contain additional provisions as 42680
to: 42681

(1) The redemption of obligations prior to maturity at the 42682
option of the issuing authority at such price or prices and under 42683
such terms and conditions as are provided in the bond proceedings; 42684

(2) Other terms of the obligations; 42685

(3) Limitations on the issuance of additional obligations; 42686

(4) The terms of any trust agreement or indenture securing 42687
the obligations or under which the same may be issued; 42688

(5) The deposit, investment, and application of special 42689
funds, and the safeguarding of moneys on hand or on deposit, 42690
without regard to Chapter 131. or 135. of the Revised Code, but 42691
subject to any special provisions of this section with respect to 42692
particular funds or moneys, provided that any bank or trust 42693
company which acts as depository of any moneys in the special 42694
funds may furnish such indemnifying bonds or may pledge such 42695
securities as required by the issuing authority; 42696

(6) Any or every provision of the bond proceedings being 42697
binding upon such officer, board, commission, authority, agency, 42698
department, or other person or body as may from time to time have 42699
the authority under law to take such actions as may be necessary 42700
to perform all or any part of the duty required by such provision; 42701

(7) Any provision that may be made in a trust agreement or 42702
indenture; 42703

(8) Any other or additional agreements with the holders of 42704

the obligations, or the trustee therefor, relating to the 42705
obligations or the security therefor, including the assignment of 42706
mortgages or other security relating to financial assistance for 42707
qualified projects under section 5531.09 of the Revised Code. 42708

(F) The obligations may have the great seal of the state or a 42709
facsimile thereof affixed thereto or printed thereon. The 42710
obligations and any coupons pertaining to obligations shall be 42711
signed or bear the facsimile signature of the issuing authority. 42712
Any obligations or coupons may be executed by the person who, on 42713
the date of execution, is the proper issuing authority although on 42714
the date of such bonds or coupons such person was not the issuing 42715
authority. In case the issuing authority whose signature or a 42716
facsimile of whose signature appears on any such obligation or 42717
coupon ceases to be the issuing authority before delivery thereof, 42718
such signature or facsimile nevertheless is valid and sufficient 42719
for all purposes as if the former issuing authority had remained 42720
the issuing authority until such delivery; and in case the seal to 42721
be affixed to obligations has been changed after a facsimile of 42722
the seal has been imprinted on such obligations, such facsimile 42723
seal shall continue to be sufficient as to such obligations and 42724
obligations issued in substitution or exchange therefor. 42725

(G) All obligations are negotiable instruments and securities 42726
under Chapter 1308. of the Revised Code, subject to the provisions 42727
of the bond proceedings as to registration. The obligations may be 42728
issued in coupon or in registered form, or both, as the issuing 42729
authority determines. Provision may be made for the registration 42730
of any obligations with coupons attached thereto as to principal 42731
alone or as to both principal and interest, their exchange for 42732
obligations so registered, and for the conversion or reconversion 42733
into obligations with coupons attached thereto of any obligations 42734
registered as to both principal and interest, and for reasonable 42735
charges for such registration, exchange, conversion, and 42736

reconversion. 42737

(H) Obligations may be sold at public sale or at private 42738
sale, as determined in the bond proceedings. 42739

(I) Pending preparation of definitive obligations, the 42740
issuing authority may issue interim receipts or certificates which 42741
shall be exchanged for such definitive obligations. 42742

(J) In the discretion of the issuing authority, obligations 42743
may be secured additionally by a trust agreement or indenture 42744
between the issuing authority and a corporate trustee which may be 42745
any trust company or bank having ~~its principal~~ a place of business 42746
within the state. Any such agreement or indenture may contain the 42747
order authorizing the issuance of the obligations, any provisions 42748
that may be contained in any bond proceedings, and other 42749
provisions which are customary or appropriate in an agreement or 42750
indenture of such type, including, but not limited to: 42751

(1) Maintenance of each pledge, trust agreement, indenture, 42752
or other instrument comprising part of the bond proceedings until 42753
the state has fully paid the bond service charges on the 42754
obligations secured thereby, or provision therefor has been made; 42755

(2) In the event of default in any payments required to be 42756
made by the bond proceedings, or any other agreement of the 42757
issuing authority made as a part of the contract under which the 42758
obligations were issued, enforcement of such payments or agreement 42759
by mandamus, the appointment of a receiver, suit in equity, action 42760
at law, or any combination of the foregoing; 42761

(3) The rights and remedies of the holders of obligations and 42762
of the trustee, and provisions for protecting and enforcing them, 42763
including limitations on the rights of individual holders of 42764
obligations; 42765

(4) The replacement of any obligations that become mutilated 42766
or are destroyed, lost, or stolen; 42767

(5) Such other provisions as the trustee and the issuing authority agree upon, including limitations, conditions, or qualifications relating to any of the foregoing. 42768
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(K) Any holder of obligations or a trustee under the bond proceedings, except to the extent that the holder's or trustee's rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority and the director of transportation required by the bond proceedings or sections 5531.09 and 5531.10 of the Revised Code; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority or the director of transportation in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the state or local governmental entities, or agencies thereof, to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project facilities. 42771
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Each duty of the issuing authority and the issuing authority's officers and employees, and of each state or local 42798
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governmental agency and its officers, members, or employees, 42800
undertaken pursuant to the bond proceedings or any loan, loan 42801
guarantee, lease, lease-purchase agreement, or other agreement 42802
made under authority of section 5531.09 of the Revised Code, and 42803
in every agreement by or with the issuing authority, is hereby 42804
established as a duty of the issuing authority, and of each such 42805
officer, member, or employee having authority to perform such 42806
duty, specifically enjoined by the law resulting from an office, 42807
trust, or station within the meaning of section 2731.01 of the 42808
Revised Code. 42809

The person who is at the time the issuing authority, or the 42810
issuing authority's officers or employees, are not liable in their 42811
personal capacities on any obligations issued by the issuing 42812
authority or any agreements of or with the issuing authority. 42813

(L) The issuing authority may authorize and issue obligations 42814
for the refunding, including funding and retirement, and advance 42815
refunding with or without payment or redemption prior to maturity, 42816
of any obligations previously issued by the issuing authority or 42817
district obligations. Such refunding obligations may be issued in 42818
amounts sufficient for payment of the principal amount of the 42819
prior obligations or district obligations, any redemption premiums 42820
thereon, principal maturities of any such obligations or district 42821
obligations maturing prior to the redemption of the remaining 42822
obligations or district obligations on a parity therewith, 42823
interest accrued or to accrue to the maturity dates or dates of 42824
redemption of such obligations or district obligations, and any 42825
expenses incurred or to be incurred in connection with such 42826
issuance and such refunding, funding, and retirement. Subject to 42827
the bond proceedings therefor, the portion of proceeds of the sale 42828
of refunding obligations issued under this division to be applied 42829
to bond service charges on the prior obligations or district 42830
obligations shall be credited to an appropriate account held by 42831

the trustee for such prior or new obligations or to the 42832
appropriate account in the bond service fund for such obligations 42833
or district obligations. Obligations authorized under this 42834
division shall be deemed to be issued for those purposes for which 42835
such prior obligations or district obligations were issued and are 42836
subject to the provisions of this section pertaining to other 42837
obligations, except as otherwise provided in this section. The 42838
last maturity of obligations authorized under this division shall 42839
not be later than twenty-five years from the date of issuance of 42840
the original securities issued for the original purpose. 42841

(M) The authority to issue obligations under this section 42842
includes authority to issue obligations in the form of bond 42843
anticipation notes and to renew the same from time to time by the 42844
issuance of new notes. The holders of such notes or interest 42845
coupons pertaining thereto shall have a right to be paid solely 42846
from the pledged receipts and special funds that may be pledged to 42847
the payment of the bonds anticipated, or from the proceeds of such 42848
bonds or renewal notes, or both, as the issuing authority provides 42849
in the order authorizing such notes. Such notes may be 42850
additionally secured by covenants of the issuing authority to the 42851
effect that the issuing authority and the state will do such or 42852
all things necessary for the issuance of such bonds or renewal 42853
notes in the appropriate amount, and apply the proceeds thereof to 42854
the extent necessary, to make full payment of the principal of and 42855
interest on such notes at the time or times contemplated, as 42856
provided in such order. For such purpose, the issuing authority 42857
may issue bonds or renewal notes in such principal amount and upon 42858
such terms as may be necessary to provide funds to pay when 42859
required the principal of and interest on such notes, 42860
notwithstanding any limitations prescribed by or for purposes of 42861
this section. Subject to this division, all provisions for and 42862
references to obligations in this section are applicable to notes 42863
authorized under this division. 42864

The issuing authority in the bond proceedings authorizing the 42865
issuance of bond anticipation notes shall set forth for such bonds 42866
an estimated interest rate and a schedule of principal payments 42867
for such bonds and the annual maturity dates thereof. 42868

(N) Obligations issued under this section are lawful 42869
investments for banks, societies for savings, savings and loan 42870
associations, deposit guarantee associations, trust companies, 42871
trustees, fiduciaries, insurance companies, including domestic for 42872
life and domestic not for life, trustees or other officers having 42873
charge of sinking and bond retirement or other special funds of 42874
political subdivisions and taxing districts of this state, the 42875
commissioners of the sinking fund of the state, the administrator 42876
of workers' compensation, the state teachers retirement system, 42877
the public employees retirement system, the school employees 42878
retirement system, and the Ohio police and fire pension fund, 42879
notwithstanding any other provisions of the Revised Code or rules 42880
adopted pursuant thereto by any agency of the state with respect 42881
to investments by them, and are also acceptable as security for 42882
the deposit of public moneys. 42883

(O) Unless otherwise provided in any applicable bond 42884
proceedings, moneys to the credit of or in the special funds 42885
established by or pursuant to this section may be invested by or 42886
on behalf of the issuing authority only in notes, bonds, or other 42887
obligations of the United States, or of any agency or 42888
instrumentality of the United States, obligations guaranteed as to 42889
principal and interest by the United States, obligations of this 42890
state or any political subdivision of this state, and certificates 42891
of deposit of any national bank located in this state and any 42892
bank, as defined in section 1101.01 of the Revised Code, subject 42893
to inspection by the superintendent of financial institutions. If 42894
the law or the instrument creating a trust pursuant to division 42895
(J) of this section expressly permits investment in direct 42896

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 42929
does not limit the generality of division (Q)(1) of this section, 42930
and is subject to division (C) of this section and, if and to the 42931
extent otherwise applicable, Section 13 of Article VIII, Ohio 42932
Constitution. The bond proceedings may contain a covenant that, in 42933
the event the pledged receipts primarily pledged and required to 42934
be used for the payment of bond service charges on obligations 42935
issued under this section, and for the establishment and 42936
maintenance of any reserves, as provided in the bond proceedings, 42937
are insufficient to make any such payment in full when due, or to 42938
maintain any such reserve, the director of transportation shall so 42939
notify the governor, and shall determine to what extent, if any, 42940
the payment may be made or moneys may be restored to the reserves 42941
from lawfully available moneys previously appropriated for that 42942
purpose to the department of transportation. The covenant also may 42943
provide that if the payments are not made or the moneys are not 42944
immediately and fully restored to the reserves from such moneys, 42945
the director shall promptly submit to the governor and to the 42946
director of budget and management a written request for either or 42947
both of the following: 42948

(a) That the next biennial budget submitted by the governor 42949
to the general assembly include an amount to be appropriated from 42950
lawfully available moneys to the department for the purpose of and 42951
sufficient for the payment in full of bond service charges 42952
previously due and for the full replenishment of the reserves; 42953

(b) That the general assembly be requested to increase 42954
appropriations from lawfully available moneys for the department 42955
in the current biennium sufficient for the purpose of and for the 42956
payment in full of bond service charges previously due and to come 42957
due in the biennium and for the full replenishment of the 42958
reserves. 42959

The director of transportation shall include with such 42960

requests a recommendation that the payment of the bond service 42961
charges and the replenishment of the reserves be made in the 42962
interest of maximizing the benefits of the state infrastructure 42963
bank. Any such covenant shall not obligate or purport to obligate 42964
the state to pay the bond service charges on such bonds or notes 42965
or to deposit moneys in a reserve established for such payments 42966
other than from moneys that may be lawfully available and 42967
appropriated for that purpose during the then-current biennium. 42968

(R) There is hereby created the state infrastructure bank 42969
revenue bond service fund, which shall be in the custody of the 42970
treasurer of state but shall not be a part of the state treasury. 42971
All moneys received by or on account of the issuing authority or 42972
state agencies and required by the applicable bond proceedings, 42973
consistent with this section, to be deposited, transferred, or 42974
credited to the bond service fund, and all other moneys 42975
transferred or allocated to or received for the purposes of the 42976
fund, shall be deposited and credited to such fund and to any 42977
separate accounts therein, subject to applicable provisions of the 42978
bond proceedings, but without necessity for any act of 42979
appropriation. The state infrastructure bank revenue bond service 42980
fund is a trust fund and is hereby pledged to the payment of bond 42981
service charges to the extent provided in the applicable bond 42982
proceedings, and payment thereof from such fund shall be made or 42983
provided for by the treasurer of state in accordance with such 42984
bond proceedings without necessity for any act of appropriation. 42985

(S) The obligations issued pursuant to this section, the 42986
transfer thereof, and the income therefrom, including any profit 42987
made on the sale thereof, shall at all times be free from taxation 42988
within this state. 42989

Sec. 5703.57. (A) As used in this section, "Ohio business 42990
gateway" has the same meaning as in section 718.051 of the Revised 42991

Code. 42992

(B) There is hereby created the Ohio business gateway 42993
steering committee to direct the continuing development of the 42994
Ohio business gateway and to oversee its operations. The committee 42995
shall provide general oversight regarding operation of the Ohio 42996
business gateway and shall recommend to the ~~department of~~ 42997
~~administrative services~~ office of information technology 42998
enhancements that will improve the Ohio business gateway. The 42999
committee shall consider all banking, technological, 43000
administrative, and other issues associated with the Ohio business 43001
gateway and shall make recommendations regarding the type of 43002
reporting forms or other tax documents to be filed through the 43003
Ohio business gateway. 43004

(C) The committee shall consist of: 43005

(1) The following members, appointed by the governor with the 43006
advice and consent of the senate: 43007

(a) Not more than two representatives of the business 43008
community; 43009

(b) Not more than three representatives of municipal tax 43010
administrators; and 43011

(c) Not more than two tax practitioners. 43012

(2) The following ex officio members: 43013

(a) The director or other highest officer of each state 43014
agency that has tax reporting forms or other tax documents filed 43015
with it through the Ohio business gateway or the director's 43016
designee; 43017

(b) The secretary of state or the secretary of state's 43018
designee; 43019

(c) The treasurer of state or the treasurer of state's 43020

designee; 43021

(d) ~~The director of budget and management or the director's~~ 43022
~~designee;~~ 43023

~~(e) The director of the office of information technology~~ 43024
state chief information officer or the ~~director's~~ officer's 43025
designee; and 43026

~~(f)~~(e) The tax commissioner or the tax commissioner's 43027
designee. 43028

An appointed member shall serve until the member resigns or 43029
is removed by the governor. Vacancies shall be filled in the same 43030
manner as original appointments. 43031

(D) A vacancy on the committee does not impair the right of 43032
the other members to exercise all the functions of the committee. 43033
The presence of a majority of the members of the committee 43034
constitutes a quorum for the conduct of business of the committee. 43035
The concurrence of at least a majority of the members of the 43036
committee is necessary for any action to be taken by the 43037
committee. On request, each member of the committee shall be 43038
reimbursed for the actual and necessary expenses incurred in the 43039
discharge of the member's duties. 43040

(E) The committee is a part of the department of taxation for 43041
administrative purposes. 43042

(F) Each year, the governor shall select a member of the 43043
committee to serve as chairperson. The chairperson shall appoint 43044
an official or employee of the department of taxation to act as 43045
the committee's secretary. The secretary shall keep minutes of the 43046
committee's meetings and a journal of all meetings, proceedings, 43047
findings, and determinations of the committee. 43048

(G) The committee shall hire professional, technical, and 43049
clerical staff needed to support its activities. 43050

(H) The committee shall meet as often as necessary to perform 43051
its duties. 43052

Sec. 5703.80. There is hereby created in the state treasury 43053
the property tax administration fund. All money to the credit of 43054
the fund shall be used to defray the costs incurred by the 43055
department of taxation in administering the taxation of property 43056
and the equalization of real property valuation. 43057

Each fiscal year between the first and fifteenth days of 43058
July, the tax commissioner shall compute the following amounts for 43059
the property in each taxing district in each county, and certify 43060
to the director of budget and management the sum of those amounts 43061
for all taxing districts in all counties: 43062

(A) For fiscal year 2006, thirty-three hundredths of one per 43063
cent of the total amount by which taxes charged against real 43064
property on the general tax list of real and public utility 43065
property were reduced under section 319.302 of the Revised Code 43066
for the preceding tax year; 43067

(B) For fiscal year 2007 and thereafter, thirty-five 43068
hundredths of one per cent of the total amount by which taxes 43069
charged against real property on the general tax list of real and 43070
public utility property were reduced under section 319.302 of the 43071
Revised Code for the preceding tax year; 43072

(C) For fiscal year 2006, one-half of one per cent of the 43073
total amount of taxes charged and payable against public utility 43074
personal property on the general tax list of real and public 43075
utility property for the preceding tax year and of the total 43076
amount of taxes charged and payable against tangible personal 43077
property on the general tax list of personal property of the 43078
preceding tax year and for which returns were filed with the tax 43079
commissioner under section 5711.13 of the Revised Code; 43080

(D) For fiscal year 2007, fifty-six hundredths of one per cent of the total amount of taxes charged and payable against public utility personal property on the general tax list of real and public utility property for the preceding tax year and of the total amount of taxes charged and payable against tangible personal property on the general tax list of personal property of the preceding tax year and for which returns were filed with the tax commissioner under section 5711.13 of the Revised Code;

(E) For fiscal year 2008 ~~and thereafter~~, six-tenths of one per cent of the total amount of taxes charged and payable against public utility personal property on the general tax list of real and public utility property for the preceding tax year and of the total amount of taxes charged and payable against tangible personal property on the general tax list of personal property of the preceding tax year and for which returns were filed with the tax commissioner under section 5711.13 of the Revised Code.

(F) For fiscal year 2009 and thereafter, seven hundred twenty-five one-thousandths of one per cent of the total amount of taxes charged and payable against public utility personal property on the general tax list of real and public utility property for the preceding tax year and of the total amount of taxes charged and payable against tangible personal property on the general tax list of personal property of the preceding tax year and for which returns were filed with the tax commissioner under section 5711.13 of the Revised Code.

After receiving the tax commissioner's certification, the director of budget and management shall transfer from the general revenue fund to the property tax administration fund one-fourth of the amount certified on or before each of the following days: the first days of August, November, February, and May.

On or before the thirtieth day of June of the fiscal year, the tax commissioner shall certify to the director of budget and

management the sum of the amounts by which the amounts computed 43113
for a taxing district under this section exceeded the 43114
distributions to the taxing district under division (F) of section 43115
321.24 of the Revised Code, and the director shall transfer that 43116
sum from the property tax administration fund to the general 43117
revenue fund. 43118

Sec. 5705.28. (A) Except as provided in division (B)(1) or 43119
(2) of this section or in section 5705.281 of the Revised Code, 43120
the taxing authority of each subdivision or other taxing unit 43121
shall adopt a tax budget for the next succeeding fiscal year: 43122

(1) On or before the fifteenth day of January in the case of 43123
a school district; 43124

(2) On or before the fifteenth day of July in the case of all 43125
other subdivisions and taxing units. 43126

(B)(1) Before the first day of June in each year, the board 43127
of trustees of a school library district entitled to participate 43128
in any appropriation or revenue of a school district or to have a 43129
tax proposed by the board of education of a school district shall 43130
file with the board of education of the school district a tax 43131
budget for the ensuing fiscal year. On or before the fifteenth day 43132
of July in each year, the board of education of a school district 43133
to which a school library district tax budget was submitted under 43134
this division shall adopt such tax budget on behalf of the library 43135
district, but such budget shall not be part of the school 43136
district's tax budget. 43137

(2)(a) The taxing authority of a taxing unit that does not 43138
levy a tax is not required to adopt a tax budget pursuant to 43139
division (A) of this section. Instead, on or before the fifteenth 43140
day of July each year, such taxing authority shall adopt an 43141
operating budget for the taxing unit for the ensuing fiscal year. 43142
The operating budget shall include an estimate of receipts from 43143

all sources, a statement of all taxing unit expenses that are 43144
anticipated to occur, and the amount required for debt charges 43145
during the fiscal year. The operating budget is not required to be 43146
filed with the county auditor or the county budget commission. 43147

(b) Except for this section and sections 5705.36, 5705.38, 43148
5705.40, 5705.41, 5705.43, 5705.44, and 5705.45 of the Revised 43149
Code, a taxing unit that does not levy a tax is not a taxing unit 43150
for purposes of Chapter 5705. of the Revised Code. Documents 43151
prepared in accordance with such sections are not required to be 43152
filed with the county auditor or county budget commission. 43153

(c) The total appropriations from each fund of a taxing unit 43154
that does not levy a tax shall not exceed the total estimated 43155
revenue available for expenditures from the fund, and 43156
appropriations shall be made from each fund only for the purposes 43157
for which the fund is established. 43158

(C)(1) To assist in the preparation of the tax budget, the 43159
head of each department, board, commission, and district authority 43160
entitled to participate in any appropriation or revenue of a 43161
subdivision shall file with the taxing authority, or in the case 43162
of a municipal corporation, with its chief executive officer, 43163
before the forty-fifth day prior to the date on which the budget 43164
must be adopted, an estimate of contemplated revenue and 43165
expenditures for the ensuing fiscal year, in such form as is 43166
prescribed by the taxing authority of the subdivision or by the 43167
auditor of state. The taxing authority shall include in its budget 43168
of expenditures the full amounts requested by district 43169
authorities, not to exceed the amount authorized by law, if such 43170
authorities may fix the amount of revenue they are to receive from 43171
the subdivision. In a municipal corporation in which a special 43172
levy for a municipal university has been authorized to be levied 43173
in excess of the ten-mill limitation, or is required by the 43174
charter of the municipal corporation, the taxing authority shall 43175

include an amount not less than the estimated yield of such levy, 43176
if such amount is requested by the board of directors of the 43177
municipal university. 43178

(2) A county board of mental retardation and developmental 43179
disabilities may include within its estimate of contemplated 43180
revenue and expenditures a reserve balance account in the 43181
community mental retardation and developmental disabilities 43182
residential services fund. The account shall contain money that is 43183
not needed to pay for current expenses for residential services 43184
and supported living but will be needed to pay for expenses for 43185
such services in the future or may be needed for unanticipated 43186
emergency expenses. On the request of the county board of mental 43187
retardation and developmental disabilities, the board of county 43188
commissioners shall include such an account in its budget of 43189
expenditures and appropriate money to the account from residential 43190
service moneys for the county board. 43191

(D) The board of trustees of any public library desiring to 43192
participate in the distribution of the county ~~library and~~ local 43193
~~government support~~ libraries fund shall adopt appropriate rules 43194
extending the benefits of the library service of such library to 43195
all the inhabitants of the county on equal terms, unless such 43196
library service is by law available to all such inhabitants, and 43197
shall certify a copy of such rules to the taxing authority with 43198
its estimate of contemplated revenue and expenditures. Where such 43199
rules have been so certified or where the adoption of such rules 43200
is not required, the taxing authority shall include in its budget 43201
of receipts such amounts as are specified by such board as 43202
contemplated revenue from the county ~~library and~~ local ~~government~~ 43203
~~support~~ libraries fund, and in its budget of expenditures the full 43204
amounts requested therefrom by such board. No library association, 43205
incorporated or unincorporated, is entitled to participate in the 43206
proceeds of the county ~~library and~~ local ~~government support~~ 43207

libraries fund or other public funds unless such association was 43208
organized and operating prior to January 1, 1968. 43209

Sec. 5705.281. (A) Notwithstanding section 5705.28 of the 43210
Revised Code, the county budget commission, by an affirmative vote 43211
of a majority of the commission, including an affirmative vote by 43212
the county auditor, may waive the requirement that the taxing 43213
authority of a subdivision or other taxing unit adopt a tax budget 43214
as provided under section 5705.28 of the Revised Code, but shall 43215
require such a taxing authority to provide such information to the 43216
commission as may be required by the commission to perform its 43217
duties under this chapter, including dividing the rates of each of 43218
the subdivision's or taxing unit's tax levies as provided under 43219
section 5705.04 of the Revised Code. 43220

(B)(1) Notwithstanding divisions (B)(1) and (D) of section 43221
5705.28 of the Revised Code, in any county in which a single 43222
library receives all of the county ~~library and local government~~ 43223
~~support~~ libraries fund or receives all of that portion of the fund 43224
that is distributed to libraries, the county budget commission, by 43225
an affirmative vote of a majority of the commission, including an 43226
affirmative vote by the county auditor, may waive any or all of 43227
the following requirements: 43228

(a) The requirement that the board of trustees of a school 43229
library district entitled to participate in any appropriation or 43230
revenue of a school district or to have a tax proposed by the 43231
board of education of a school district file with the board of 43232
education of the school district a tax budget, and the requirement 43233
that the board of education adopt the tax budget on behalf of the 43234
library district, as provided in division (B)(1) of section 43235
5705.28 of the Revised Code; 43236

(b) The requirement that the board of trustees of a public 43237
library desiring to participate in the distribution of the county 43238

~~library and local government support libraries~~ fund certify to the 43239
taxing authority its estimate of contemplated revenue and 43240
expenditures, and the requirement that the taxing authority 43241
include in its budget of receipts and budget of expenditures the 43242
full amounts specified or requested by the board of trustees, as 43243
provided in division (D) of section 5705.28 of the Revised Code. 43244

(2) If a county budget commission waives the requirements 43245
described in division (B)(1)(a) or (b) of this section, the 43246
commission shall require the board of trustees of the school 43247
library district or the board of trustees of the public library 43248
desiring to participate in the distribution of the county ~~library~~ 43249
~~and local government support libraries~~ fund to provide to the 43250
commission any information the commission may require from the 43251
board in order for the commission to perform its duties under this 43252
chapter. 43253

Sec. 5705.29. This section does not apply to a subdivision or 43254
taxing unit for which the county budget commission has waived the 43255
requirement to adopt a tax budget pursuant to section 5705.281 of 43256
the Revised Code. The tax budget shall present the following 43257
information in such detail as is prescribed by the auditor of 43258
state: 43259

(A)(1) A statement of the necessary current operating 43260
expenses for the ensuing fiscal year for each department and 43261
division of the subdivision, classified as to personal services 43262
and other expenses, and the fund from which such expenditures are 43263
to be made. Except in the case of a school district, this estimate 43264
may include a contingent expense not designated for any particular 43265
purpose, and not to exceed three per cent of the total amount of 43266
appropriations for current expenses. In the case of a school 43267
district, this estimate may include a contingent expense not 43268
designated for any particular purpose and not to exceed thirteen 43269

per cent of the total amount of appropriations for current expenses.	43270 43271
(2) A statement of the expenditures for the ensuing fiscal year necessary for permanent improvements, exclusive of any expense to be paid from bond issues, classified as to the improvements contemplated by the subdivision and the fund from which such expenditures are to be made;	43272 43273 43274 43275 43276
(3) The amounts required for the payment of final judgments;	43277
(4) A statement of expenditures for the ensuing fiscal year necessary for any purpose for which a special levy is authorized, and the fund from which such expenditures are to be made;	43278 43279 43280
(5) Comparative statements, so far as possible, in parallel columns of corresponding items of expenditures for the current fiscal year and the two preceding fiscal years.	43281 43282 43283
(B)(1) An estimate of receipts from other sources than the general property tax during the ensuing fiscal year, which shall include an estimate of unencumbered balances at the end of the current fiscal year, and the funds to which such estimated receipts are credited;	43284 43285 43286 43287 43288
(2) The amount each fund requires from the general property tax, which shall be the difference between the contemplated expenditure from the fund and the estimated receipts, as provided in this section. The section of the Revised Code under which the tax is authorized shall be set forth.	43289 43290 43291 43292 43293
(3) Comparative statements, so far as possible, in parallel columns of taxes and other revenues for the current fiscal year and the two preceding fiscal years.	43294 43295 43296
(C)(1) The amount required for debt charges;	43297
(2) The estimated receipts from sources other than the tax levy for payment of such debt charges, including the proceeds of	43298 43299

refunding bonds to be issued to refund bonds maturing in the next 43300
succeeding fiscal year; 43301

(3) The net amount for which a tax levy shall be made, 43302
classified as to bonds authorized and issued prior to January 1, 43303
1922, and those authorized and issued subsequent to such date, and 43304
as to what portion of the levy will be within and what in excess 43305
of the ten-mill limitation. 43306

(D) An estimate of amounts from taxes authorized to be levied 43307
in excess of the ten-mill limitation on the tax rate, and the fund 43308
to which such amounts will be credited, together with the sections 43309
of the Revised Code under which each such tax is exempted from all 43310
limitations on the tax rate. 43311

(E)(1) A board of education may include in its budget for the 43312
fiscal year in which a levy proposed under section 5705.194, 43313
5705.21, or 5705.213, or the original levy under section 5705.212 43314
of the Revised Code is first extended on the tax list and 43315
duplicate an estimate of expenditures to be known as a voluntary 43316
contingency reserve balance, which shall not be greater than 43317
twenty-five per cent of the total amount of the levy estimated to 43318
be available for appropriation in such year. 43319

(2) A board of education may include in its budget for the 43320
fiscal year following the year in which a levy proposed under 43321
section 5705.194, 5705.21, or 5705.213, or the original levy under 43322
section 5705.212 of the Revised Code is first extended on the tax 43323
list and duplicate an estimate of expenditures to be known as a 43324
voluntary contingency reserve balance, which shall not be greater 43325
than twenty per cent of the amount of the levy estimated to be 43326
available for appropriation in such year. 43327

(3) Except as provided in division (E)(4) of this section, 43328
the full amount of any reserve balance the board includes in its 43329
budget shall be retained by the county auditor and county 43330

treasurer out of the first semiannual settlement of taxes until 43331
the beginning of the next succeeding fiscal year, and thereupon, 43332
with the depository interest apportioned thereto, it shall be 43333
turned over to the board of education, to be used for the purposes 43334
of such fiscal year. 43335

(4) A board of education, by a two-thirds vote of all members 43336
of the board, may appropriate any amount withheld as a voluntary 43337
contingency reserve balance during the fiscal year for any lawful 43338
purpose, provided that prior to such appropriation the board of 43339
education has authorized the expenditure of all amounts 43340
appropriated for contingencies under section 5705.40 of the 43341
Revised Code. Upon request by the board of education, the county 43342
auditor shall draw a warrant on the district's account in the 43343
county treasury payable to the district in the amount requested. 43344

(F)(1) A board of education may include a spending reserve in 43345
its budget for fiscal years ending on or before June 30, 2002. The 43346
spending reserve shall consist of an estimate of expenditures not 43347
to exceed the district's spending reserve balance. A district's 43348
spending reserve balance is the amount by which the designated 43349
percentage of the district's estimated personal property taxes to 43350
be settled during the calendar year in which the fiscal year ends 43351
exceeds the estimated amount of personal property taxes to be so 43352
settled and received by the district during that fiscal year. 43353
Moneys from a spending reserve shall be appropriated in accordance 43354
with section 133.301 of the Revised Code. 43355

(2) For the purposes of computing a school district's 43356
spending reserve balance for a fiscal year, the designated 43357
percentage shall be as follows: 43358

Fiscal year ending in:	Designated percentage	
1998	50%	43359
1999	40%	43360
2000	30%	43361
		43362

2001	20%	43363
2002	10%	43364

(G) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance account. Except as otherwise provided in this division, the county budget commission shall not consider the amount in a reserve balance account of a township, county, or municipal corporation as an unencumbered balance or as revenue for the purposes of division (E)(3) or (4) of section 5747.51 ~~or division (E)(3) or (4) of section 5747.62~~ of the Revised Code. The county budget commission may require documentation of the reasonableness of the reserve balance held in any reserve balance account. The commission shall consider any amount in a reserve balance account that it determines to be unreasonable as unencumbered and as revenue for the purposes of sections 5747.51 ~~and 5747.62~~ of the Revised Code and may take such amounts into consideration when determining whether to reduce the taxing authority of a subdivision.

Sec. 5705.30. This section does not apply to a subdivision for which the county budget commission has waived the requirement to adopt a tax budget under section 5705.281 of the Revised Code.

In addition to the information required by section 5705.29 of the Revised Code, the budget of each subdivision and school library district shall include such other information as is prescribed by the auditor of state. At least two copies of the budget shall be filed in the office of the fiscal officer of the subdivision for public inspection not less than ten days before its adoption by the taxing authority, and such taxing authority shall hold at least one public hearing thereon, of which public notice shall be given by at least one publication not less than ten days prior to the date of hearing in the official publication of such subdivision, or in a newspaper having general circulation

in the subdivision. The budget, after adoption, shall be submitted 43395
to the county auditor on or before the twentieth day of July, or 43396
in the case of a school district, by the twentieth day of January. 43397
The tax commissioner may prescribe a later date for the submission 43398
of a subdivision's tax budget. Any subdivision that fails to 43399
submit its budget to the county auditor on or before the twentieth 43400
day of July, unless the commissioner on or before the twentieth 43401
day of July prescribes a later date for submission of the budget 43402
by that subdivision, shall not receive an apportionment from the 43403
undivided local ~~government~~ communities fund distribution for the 43404
ensuing calendar year, unless upon review of the matter the 43405
commissioner determines that the budget was adopted by the 43406
subdivision on or before the fifteenth day of July, but was not 43407
submitted to the county auditor by the twentieth day of July or 43408
the later time prescribed by the commissioner because of 43409
ministerial error by the subdivision or its officers, employees, 43410
or other representatives. 43411

Sec. 5705.31. The county auditor shall present to the county 43412
budget commission the annual tax budgets submitted under sections 43413
5705.01 to 5705.47 of the Revised Code, together with an estimate 43414
prepared by the auditor of the amount of any state levy, the rate 43415
of any school tax levy as previously determined, the tax 43416
commissioner's estimate of the amount to be received in the county 43417
~~library and local government support~~ libraries fund, the tax rates 43418
provided under section 5705.281 of the Revised Code if adoption of 43419
the tax budget was waived under that section, and such other 43420
information as the commission requests or the tax commissioner 43421
prescribes. The budget commission shall examine such budget and 43422
ascertain the total amount proposed to be raised in the county for 43423
the purposes of each subdivision and other taxing units in the 43424
county. 43425

The commission shall ascertain that the following levies have 43426

been properly authorized and, if so authorized, shall approve them 43427
without modification: 43428

(A) All levies in excess of the ten-mill limitation; 43429

(B) All levies for debt charges not provided for by levies in 43430
excess of the ten-mill limitation, including levies necessary to 43431
pay notes issued for emergency purposes; 43432

(C) The levies prescribed by division (B) of sections 742.33 43433
and 742.34 of the Revised Code; 43434

(D) Except as otherwise provided in this division, a minimum 43435
levy within the ten-mill limitation for the current expense and 43436
debt service of each subdivision or taxing unit, which shall equal 43437
two-thirds of the average levy for current expenses and debt 43438
service allotted within the fifteen-mill limitation to such 43439
subdivision or taxing unit during the last five years the 43440
fifteen-mill limitation was in effect unless such subdivision or 43441
taxing unit requests an amount requiring a lower rate. Except as 43442
provided in section 5705.312 of the Revised Code, if the levies 43443
required in divisions (B) and (C) of this section for the 43444
subdivision or taxing unit equal or exceed the entire minimum levy 43445
of the subdivision as fixed, the minimum levies of the other 43446
subdivisions or taxing units shall be reduced by the commission to 43447
provide for the levies and an operating levy for the subdivision. 43448
Such additional levy shall be deducted from the minimum levies of 43449
each of the other subdivisions or taxing units, but the operating 43450
levy for a school district shall not be reduced below a figure 43451
equivalent to forty-five per cent of the millage available within 43452
the ten-mill limitation after all the levies in divisions (B) and 43453
(C) of this section have been provided for. 43454

If a municipal corporation and a township have entered into 43455
an annexation agreement under section 709.192 of the Revised Code 43456
in which they agree to reallocate their shares of the minimum 43457

levies established under this division and if that annexation 43458
agreement is submitted along with the annual tax budget of both 43459
the township and the municipal corporation, then, when determining 43460
the minimum levy under this division, the auditor shall allocate, 43461
to the extent possible, the minimum levy for that municipal 43462
corporation and township in accordance with their annexation 43463
agreement. 43464

(E) The levies prescribed by section 3709.29 of the Revised 43465
Code. 43466

Divisions (A) to (E) of this section are mandatory, and 43467
commissions shall be without discretion to reduce such minimum 43468
levies except as provided in such divisions. 43469

If any debt charge is omitted from the budget, the commission 43470
shall include it therein. 43471

Sec. 5705.32. (A) The county budget commission shall adjust 43472
the estimated amounts required from the general property tax for 43473
each fund, as shown by the tax budgets or other information 43474
required to be provided under section 5705.281 of the Revised 43475
Code, so as to bring the tax levies required therefor within the 43476
limitations specified in sections 5705.01 to 5705.47 of the 43477
Revised Code, for such levies, but no levy shall be reduced below 43478
a minimum fixed by law. The commission may revise and adjust the 43479
estimate of balances and receipts from all sources for each fund 43480
and shall determine the total appropriations that may be made 43481
therefrom. 43482

(B) The commission shall fix the amount of the county ~~library~~ 43483
~~and local government support libraries~~ fund to be distributed to 43484
each board of public library trustees that has qualified under 43485
section 5705.28 of the Revised Code for participation in the 43486
proceeds of such fund. The amount paid to all libraries in the 43487
county from such fund shall never be a smaller per cent of the 43488

fund than the average of the percentages of the county's 43489
classified taxes that were distributed to libraries in 1982, 1983, 43490
and 1984, as determined by the county auditor. The commission 43491
shall base the amount for distribution on the needs of such 43492
library for the construction of new library buildings, parts of 43493
buildings, improvements, operation, maintenance, or other 43494
expenses. In determining the needs of each library board of 43495
trustees, and in calculating the amount to be distributed to any 43496
library board of trustees on the basis of its needs, the 43497
commission shall make no reduction in its allocation from the fund 43498
on account of additional revenues realized by a library from 43499
increased taxes or service charges voted by its electorate, from 43500
revenues received through federal or state grants, projects, or 43501
programs, or from grants from private sources. 43502

(C) Notwithstanding the fact that alternative methods of 43503
financing such needs are available, after fixing the amount to be 43504
distributed to libraries, the commission shall fix the amount, if 43505
any, of the county ~~library and local government support libraries~~ 43506
fund to be distributed to each board of township park 43507
commissioners, the county, and each municipal corporation in 43508
accordance with the following: 43509

(1) Each municipal corporation in the county shall receive a 43510
per cent of the remainder that equals the per cent that the county 43511
auditor determines the classified property taxes originating in 43512
such municipal corporation in 1984 were of the total of all of the 43513
county's classified property taxes in 1984. The commission may 43514
deduct from this amount any amount that the budget commission 43515
allows to the board of township park commissioners of a township 43516
park district, the boundaries of which are coextensive with or 43517
contained within the boundaries of the municipal corporation. 43518

(2) The county shall receive a per cent of the remainder that 43519
equals the per cent that the county auditor determines the 43520

classified property taxes originating outside of the boundaries of 43521
municipal corporations in the county in 1984 were of the total of 43522
all of the county's classified property taxes in 1984. The 43523
commission may deduct from this amount any amount that the budget 43524
commission allows to the board of township park commissioners of a 43525
township park district, the boundaries of which are not 43526
coextensive with or contained within those of any municipal 43527
corporation in the county. 43528

(D) The commission shall separately set forth the amounts 43529
fixed and determined under divisions (B) and (C) of this section 43530
in the "official certificate of estimated resources," as provided 43531
in section 5705.35 of the Revised Code, and separately certify 43532
such amount to the county auditor who shall be guided thereby in 43533
the distribution of the county ~~library and local government~~ 43534
~~support~~ libraries fund for and during the fiscal year. In 43535
determining such amounts, the commission shall be guided by the 43536
estimate certified by the tax commissioner and presented by the 43537
auditor under section 5705.31 of the Revised Code, as to the total 43538
amount of revenue to be received in the county ~~library and~~ 43539
~~government support~~ libraries fund during such fiscal year. 43540

(E)(1) At least five days before the date of any meeting at 43541
which the budget commission plans to discuss the distribution of 43542
the county ~~library and local government support~~ libraries fund, it 43543
shall notify each legislative authority and board of public 43544
library trustees, county commissioners, and township park 43545
commissioners eligible to participate in the distribution of the 43546
fund of the date, time, place, and agenda for the meeting. Any 43547
legislative authority or board entitled to notice under this 43548
division may designate an officer or employee of such legislative 43549
authority or board to whom the commission shall deliver the 43550
notice. 43551

(2) Before the final determination of the amount to be 43552

allotted to each subdivision from any source, the commission shall 43553
permit representatives of each subdivision and of each board of 43554
public library trustees to appear before it to explain its 43555
financial needs. 43556

(F) If any public library receives and expends any funds 43557
allocated to it under this section for the construction of new 43558
library buildings or parts of buildings, such library shall be 43559
free and open to the inhabitants of the county in which it is 43560
located. Any board of library trustees that receives funds under 43561
this section and section 5747.48 of the Revised Code shall have 43562
its financial records open for public inspection at all reasonable 43563
times. 43564

Sec. 5705.321. (A) As used in this section: 43565

(1) "City, located wholly or partially in the county, with 43566
the greatest population" means the city, located wholly or 43567
partially in the county, with the greatest population residing in 43568
the county; however, if the county budget commission on or before 43569
January 1, 1998, adopted an alternative method of apportionment 43570
that was approved by the city, located partially in the county, 43571
with the greatest population but not the greatest population 43572
residing in the county, "city, located wholly or partially in the 43573
county, with the greatest population" means the city, located 43574
wholly or partially in the county, with the greatest population 43575
whether residing in the county or not, if this alternative meaning 43576
is adopted by action of the board of county commissioners and a 43577
majority of the boards of township trustees and legislative 43578
authorities of municipal corporations located wholly or partially 43579
in the county. 43580

(2) "Participating political subdivision" means a municipal 43581
corporation or township that satisfies all of the following: 43582

(a) It is located wholly or partially in the county. 43583

(b) It is not the city, located wholly or partially in the county, with the greatest population.

(c) ~~Library and local government support~~ Local libraries fund moneys are apportioned to it under the county's alternative method or formula of apportionment in the current calendar year.

(B) In lieu of the method of apportionment of the county ~~library and local government support~~ libraries fund provided by division (C) of section 5705.32 of the Revised Code, the county budget commission may provide for the apportionment of the fund under an alternative method or on a formula basis as authorized by this section.

Except as otherwise provided in division (C) of this section, the alternative method of apportionment shall have first been approved by all of the following governmental units: the board of county commissioners; the legislative authority of the city, located wholly or partially in the county, with the greatest population; and a majority of the boards of township trustees and legislative authorities of municipal corporations, located wholly or partially in the county, excluding the legislative authority of the city, located wholly or partially in the county, with the greatest population. In granting or denying approval for an alternative method of apportionment, the board of county commissioners, boards of township trustees, and legislative authorities of municipal corporations shall act by motion. A motion to approve shall be passed upon a majority vote of the members of a board of county commissioners, board of township trustees, or legislative authority of a municipal corporation, shall take effect immediately, and need not be published.

Any alternative method of apportionment adopted and approved under this division may be revised, amended, or repealed in the same manner as it may be adopted and approved. If an alternative method of apportionment adopted and approved under this division

is repealed, the county ~~library and local government support~~ 43616
libraries fund shall be apportioned among the subdivisions 43617
eligible to participate in the fund, commencing in the ensuing 43618
calendar year, under the apportionment provided in divisions (B) 43619
and (C) of section 5705.32 of the Revised Code, unless the repeal 43620
occurs by operation of division (C) of this section or a new 43621
method for apportionment of the fund is provided in the action of 43622
repeal. 43623

(C) This division applies only in counties in which the city, 43624
located wholly or partially in the county, with the greatest 43625
population has a population of twenty thousand or less and a 43626
population that is less than fifteen per cent of the total 43627
population of the county. In such a county, the legislative 43628
authorities or boards of township trustees of two or more 43629
participating political subdivisions, which together have a 43630
population residing in the county that is a majority of the total 43631
population of the county, each may adopt a resolution to exclude 43632
the approval otherwise required of the legislative authority of 43633
the city, located wholly or partially in the county, with the 43634
greatest population. All of the resolutions to exclude that 43635
approval shall be adopted not later than the first Monday of 43636
August of the year preceding the calendar year in which 43637
distributions are to be made under an alternative method of 43638
apportionment. 43639

A motion granting or denying approval of an alternative 43640
method of apportionment under this division shall be adopted by a 43641
majority vote of the members of the board of county commissioners 43642
and by a majority vote of a majority of the boards of township 43643
trustees and legislative authorities of the municipal corporations 43644
located wholly or partially in the county, other than the city, 43645
located wholly or partially in the county, with the greatest 43646
population, shall take effect immediately, and need not be 43647

published. The alternative method of apportionment under this 43648
division shall be adopted and approved annually, not later than 43649
the first Monday of August of the year preceding the calendar year 43650
in which distributions are to be made under it. A motion granting 43651
approval of an alternative method of apportionment under this 43652
division repeals any existing alternative method of apportionment, 43653
effective with distributions to be made from the fund in the 43654
ensuing calendar year. An alternative method of apportionment 43655
under this division shall not be revised or amended after the 43656
first Monday of August of the year preceding the calendar year in 43657
which distributions are to be made under it. 43658

(D) In determining an alternative method of apportionment 43659
authorized by this section, the county budget commission may 43660
include in the method any factor considered to be appropriate and 43661
reliable, in the sole discretion of the county budget commission. 43662

(E) On the basis of any alternative method of apportionment 43663
adopted and approved as authorized by this section, as certified 43664
by the auditor to the county treasurer, the county treasurer shall 43665
make distribution of the money in the county ~~library and~~ local 43666
~~government support~~ libraries fund to each subdivision eligible to 43667
participate in the fund, and the auditor, when the amount of those 43668
shares is in the custody of the treasurer in the amounts so 43669
computed to be due the respective subdivisions, shall at the same 43670
time certify to the tax commissioner the percentage share of the 43671
county as a subdivision. All money received into the treasury of a 43672
subdivision from the county ~~library and~~ local ~~government support~~ 43673
libraries fund in a county treasury shall be paid into the general 43674
fund and used for the current operating expenses of the 43675
subdivision. 43676

(F) The actions of the county budget commission taken 43677
pursuant to this section are final and may not be appealed to the 43678
board of tax appeals, except on the issues of abuse of discretion 43679

and failure to comply with the formula. 43680

Sec. 5705.37. The taxing authority of any subdivision that is 43681
dissatisfied with any action of the county budget commission may, 43682
through its fiscal officer, appeal to the board of tax appeals 43683
within thirty days after the receipt by the subdivision of the 43684
official certificate or notice of the commission's action. In like 43685
manner, but through its clerk, the board of trustees of any public 43686
library, nonprofit corporation, or library association maintaining 43687
a free public library that has adopted and certified rules under 43688
section 5705.28 of the Revised Code, or any park district may 43689
appeal to the board of tax appeals. An appeal under this section 43690
shall be taken by the filing of a notice of appeal, either in 43691
person or by certified mail, express mail, or authorized delivery 43692
service as provided in section 5703.056 of the Revised Code, with 43693
the board and with the commission. If notice of appeal is filed by 43694
certified mail, express mail, or authorized delivery service, date 43695
of the United States postmark placed on the sender's receipt by 43696
the postal service or the date of receipt recorded by the 43697
authorized delivery service shall be treated as the date of 43698
filing. Upon receipt of the notice of appeal, the commission, by 43699
certified mail, shall notify all persons who were parties to the 43700
proceeding before the commission of the filing of the notice of 43701
appeal and shall file proof of notice with the board of tax 43702
appeals. The secretary of the commission shall forthwith certify 43703
to the board a transcript of the full and accurate record of all 43704
proceedings before the commission, together with all evidence 43705
presented in the proceedings or considered by the commission, 43706
pertaining to the action from which the appeal is taken. The 43707
secretary of the commission also shall certify to the board any 43708
additional information that the board may request. 43709

The board of tax appeals, in a de novo proceeding, shall 43710
forthwith consider the matter presented to the commission, and may 43711

modify any action of the commission with reference to the budget, 43712
the estimate of revenues and balances, the allocation of the 43713
~~library and local government support libraries~~ fund, or the fixing 43714
of tax rates. The finding of the board of tax appeals shall be 43715
substituted for the findings of the commission, and shall be 43716
certified to the tax commissioner, the county auditor, and the 43717
taxing authority of the subdivision affected, or to the board of 43718
public library trustees affected, as the action of the commission 43719
under sections 5705.01 to 5705.47 of the Revised Code. 43720

This section does not give the board of tax appeals any 43721
authority to place any tax levy authorized by law within the 43722
ten-mill limitation outside of that limitation, or to reduce any 43723
levy below any minimum fixed by law. 43724

Sec. 5709.68. (A) On or before the thirty-first day of March 43725
each year, a municipal corporation or county that has entered into 43726
an agreement with an enterprise under section 5709.62, 5709.63, or 43727
5709.632 of the Revised Code shall submit to the director of 43728
development and the board of education of each school district of 43729
which a municipal corporation or township to which such an 43730
agreement applies is a part a report on all of those agreements in 43731
effect during the preceding calendar year. The report shall 43732
include all of the following information: 43733

(1) The designation, assigned by the director of development, 43734
of each urban jobs and enterprise zone within the municipal 43735
corporation or county, the date each zone was certified, the name 43736
of each municipal corporation or township within each zone, and 43737
the total population of each zone according to the most recent 43738
data available; 43739

(2) The number of enterprises that are subject to those 43740
agreements and the number of full-time employees subject to those 43741
agreements within each zone, each according to the most recent 43742

data available and identified and categorized by the appropriate 43743
standard industrial code, and the rate of unemployment in the 43744
municipal corporation or county in which the zone is located for 43745
each year since each zone was certified; 43746

(3) The number of agreements approved and executed during the 43747
calendar year for which the report is submitted, the total number 43748
of agreements in effect on the thirty-first day of December of the 43749
preceding calendar year, the number of agreements that expired 43750
during the calendar year for which the report is submitted, and 43751
the number of agreements scheduled to expire during the calendar 43752
year in which the report is submitted. For each agreement that 43753
expired during the calendar year for which the report is 43754
submitted, the municipal corporation or county shall include the 43755
amount of taxes exempted and the estimated dollar value of any 43756
other incentives provided under the agreement. 43757

(4) The number of agreements receiving compliance reviews by 43758
the tax incentive review council in the municipal corporation or 43759
county during the calendar year for which the report is submitted, 43760
including all of the following information: 43761

(a) The number of agreements the terms of which an enterprise 43762
has complied with, indicating separately for each agreement the 43763
value of the real and personal property exempted pursuant to the 43764
agreement and a comparison of the stipulated and actual schedules 43765
for hiring new employees, for retaining existing employees, for 43766
the amount of payroll of the enterprise attributable to these 43767
employees, and for investing in establishing, expanding, 43768
renovating, or occupying a facility; 43769

(b) The number of agreements the terms of which an enterprise 43770
has failed to comply with, indicating separately for each 43771
agreement the value of the real and personal property exempted 43772
pursuant to the agreement and a comparison of the stipulated and 43773
actual schedules for hiring new employees, for retaining existing 43774

employees, for the amount of payroll of the enterprise	43775
attributable to these employees, and for investing in	43776
establishing, expanding, renovating, or occupying a facility;	43777
(c) The number of agreements about which the tax incentive	43778
review council made recommendations to the legislative authority	43779
of the municipal corporation or county, and the number of those	43780
recommendations that have not been followed;	43781
(d) The number of agreements rescinded during the calendar	43782
year for which the report is submitted.	43783
(5) The number of enterprises that are subject to agreements	43784
that expanded within each zone, including the number of new	43785
employees hired and existing employees retained by each	43786
enterprise, and the number of new enterprises that are subject to	43787
agreements and that established within each zone, including the	43788
number of new employees hired by each enterprise;	43789
(6)(a) The number of enterprises that are subject to	43790
agreements and that closed or reduced employment at any place of	43791
business within the state for the primary purpose of establishing,	43792
expanding, renovating, or occupying a facility, indicating	43793
separately for each enterprise the political subdivision in which	43794
the enterprise closed or reduced employment at a place of business	43795
and the number of full-time employees transferred and retained by	43796
each such place of business;	43797
(b) The number of enterprises that are subject to agreements	43798
and that closed or reduced employment at any place of business	43799
outside the state for the primary purpose of establishing,	43800
expanding, renovating, or occupying a facility.	43801
(7) For each agreement in effect during any part of the	43802
preceding year, the number of employees employed by the enterprise	43803
at the project site immediately prior to formal approval of the	43804
agreement, the number of employees employed by the enterprise at	43805

the project site on the thirty-first day of December of the 43806
preceding year, the payroll of the enterprise for the preceding 43807
year, the amount of taxes paid on tangible personal property 43808
situated at the project site and the amount of those taxes that 43809
were not paid because of the exemption granted under the 43810
agreement, and the amount of taxes paid on real property 43811
constituting the project site and the amount of those taxes that 43812
were not paid because of the exemption granted under the 43813
agreement. If an agreement was entered into under section 5709.632 43814
of the Revised Code with an enterprise described in division 43815
(B)(2) of that section, the report shall include the number of 43816
employee positions at all of the enterprise's locations in this 43817
state. If an agreement is conditioned on a waiver issued under 43818
division (B) of section 5709.633 of the Revised Code on the basis 43819
of the circumstance described in division (B)(3)(a) or (b) of that 43820
section, the report shall include the number of employees at the 43821
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 43822
section, respectively. 43823

(B) Upon the failure of a municipal corporation or county to 43824
comply with division (A) of this section: 43825

(1) Beginning on the first day of April of the calendar year 43826
in which the municipal corporation or county fails to comply with 43827
that division, the municipal corporation or county shall not enter 43828
into any agreements with an enterprise under section 5709.62, 43829
5709.63, or 5709.632 of the Revised Code until the municipal 43830
corporation or county has complied with division (A) of this 43831
section. 43832

(2) On the first day of each ensuing calendar month until the 43833
municipal corporation or county complies with division (A) of this 43834
section, the director of development shall either order the proper 43835
county auditor to deduct from the next succeeding payment of taxes 43836
to the municipal corporation or county under section 321.31, 43837

321.32, 321.33, or 321.34 of the Revised Code an amount equal to 43838
one thousand dollars for each calendar month the municipal 43839
corporation or county fails to comply with that division, or order 43840
the county auditor to deduct that amount from the next succeeding 43841
payment to the municipal corporation or county from the undivided 43842
local ~~government~~ communities fund under section 5747.51 of the 43843
Revised Code. At the time such a payment is made, the county 43844
auditor shall comply with the director's order by issuing a 43845
warrant, drawn on the fund from which the money would have been 43846
paid, to the director of development, who shall deposit the 43847
warrant into the state enterprise zone program administration fund 43848
created in division (C) of this section. 43849

(C) The director, by rule, shall establish the state's 43850
application fee for applications submitted to a municipal 43851
corporation or county to enter into an agreement under section 43852
5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing 43853
the amount of the fee, the director shall consider the state's 43854
cost of administering the enterprise zone program, including the 43855
cost of reviewing the reports required under division (A) of this 43856
section. The director may change the amount of the fee at the 43857
times and in the increments the director considers necessary. Any 43858
municipal corporation or county that receives an application shall 43859
collect the application fee and remit the fee for deposit in the 43860
state treasury to the credit of the ~~state enterprise zone program~~ 43861
~~administration fund, which is hereby created. Money credited to~~ 43862
~~the fund shall be used by the department of development to pay the~~ 43863
~~costs of administering the enterprise zone program, including the~~ 43864
~~cost of reviewing the reports required under division (A) of this~~ 43865
~~section~~ tax incentive programs operating fund created in section 43866
122.174 of the Revised Code. 43867

(D) On or before the thirtieth day of June each year, the 43868
director of development shall certify to the tax commissioner the 43869

information described under division (A)(7) of this section, 43870
derived from the reports submitted to the director under this 43871
section. 43872

On the basis of the information certified under this 43873
division, the tax commissioner annually shall submit a report to 43874
the governor, the speaker of the house of representatives, the 43875
president of the senate, and the chairpersons of the ways and 43876
means committees of the respective houses of the general assembly, 43877
indicating for each enterprise zone the amount of state and local 43878
taxes that were not required to be paid because of exemptions 43879
granted under agreements entered into under section 5709.62, 43880
5709.63, or 5709.632 of the Revised Code and the amount of 43881
additional taxes paid from the payroll of new employees. 43882

Sec. 5709.882. (A) On or before the thirty-first day of March 43883
each year, a municipal corporation or county that has entered into 43884
an agreement with an enterprise under section 5709.88 of the 43885
Revised Code shall submit to the director of development and the 43886
board of education of each school district of which a municipal 43887
corporation or county to which such an agreement applies is a part 43888
a report on all such agreements in effect during the preceding 43889
calendar year. The report shall include all of the following 43890
information: 43891

(1) The number of enterprises that are subject to such 43892
agreements and the number of full-time employees subject to those 43893
agreements in the county or municipal corporation; 43894

(2) The number of agreements approved and executed during the 43895
calendar year for which the report is submitted, the total number 43896
of agreements in effect on the thirty-first day of December of the 43897
preceding calendar year, the number of agreements that expired 43898
during the calendar year for which the report is submitted, and 43899
the number of agreements scheduled to expire during the calendar 43900

year in which the report is submitted. For each agreement that 43901
expired during the calendar year for which the report is 43902
submitted, the municipal corporation or county shall include the 43903
amount of taxes exempted and the estimated dollar value of any 43904
other incentives provided under the agreement. 43905

(3) The number of agreements receiving compliance reviews by 43906
the tax incentive review council in the municipal corporation or 43907
county under section 5709.883 of the Revised Code during the 43908
calendar year for which the report is submitted, including all of 43909
the following information: 43910

(a) The number of agreements the terms of which an enterprise 43911
has complied with, indicating separately for each such agreement 43912
the value of the real and personal property exempted pursuant to 43913
the agreement and a comparison of the stipulated and actual 43914
schedules for hiring new employees, for retaining existing 43915
employees, for the amount of payroll of the enterprise 43916
attributable to these employees, and for remediating and investing 43917
in establishing, expanding, renovating, or occupying a facility; 43918

(b) The number of agreements the terms of which an enterprise 43919
has failed to comply with, indicating separately for each such 43920
agreement the value of the real and personal property exempted 43921
pursuant to the agreement and a comparison of the stipulated and 43922
actual schedules for hiring new employees, for retaining existing 43923
employees, for the amount of payroll of the enterprise 43924
attributable to these employees, and for remediating and investing 43925
in establishing, expanding, renovating, or occupying a facility; 43926

(c) The number of agreements about which the tax incentive 43927
review council made recommendations to the legislative authority 43928
of the municipal corporation or county, and the number of such 43929
recommendations that have not been followed; 43930

(d) The number of agreements rescinded during the calendar 43931

year for which the report is submitted. 43932

(4) The number of enterprises that are subject to agreements 43933
and the number of new employees hired and existing employees 43934
retained by each such enterprise; 43935

(5)(a) The number of enterprises that are subject to 43936
agreements and that closed or reduced employment at any place of 43937
business within the state for the primary purpose of remediating 43938
and establishing, expanding, renovating, or occupying a facility, 43939
indicating separately for each such enterprise the political 43940
subdivision in which the enterprise closed or reduced employment 43941
at a place of business and the number of full-time employees 43942
transferred and retained by each such place of business; 43943

(b) The number of enterprises that are subject to agreements 43944
and that closed or reduced employment at any place of business 43945
outside the state for the primary purpose of remediating and 43946
establishing, expanding, renovating, or occupying a facility. 43947

(B) Upon the failure of a municipal corporation or county to 43948
comply with division (A) of this section, both of the following 43949
apply: 43950

(1) Beginning on the first day of April of the calendar year 43951
in which the municipal corporation or county fails to comply with 43952
that division, the municipal corporation or county shall not enter 43953
into any agreements with an enterprise under section 5709.88 of 43954
the Revised Code until the municipal corporation or county has 43955
complied with division (A) of this section; 43956

(2) On the first day of each ensuing calendar month until the 43957
municipal corporation or county complies with that division, the 43958
director of development shall either order the proper county 43959
auditor to deduct from the next succeeding payment of taxes to the 43960
municipal corporation or county under section 321.31, 321.32, 43961
321.33, or 321.34 of the Revised Code an amount equal to five 43962

hundred dollars for each calendar month the municipal corporation 43963
or county fails to comply with that division, or order the county 43964
auditor to deduct such an amount from the next succeeding payment 43965
to the municipal corporation or county from the undivided local 43966
~~government~~ communities fund under section 5747.51 of the Revised 43967
Code. At the time such a payment is made, the county auditor shall 43968
comply with the director's order by issuing a warrant, drawn on 43969
the fund from which such money would have been paid, to the 43970
director of development, who shall deposit the warrant into the 43971
contaminated sites development program administration fund created 43972
in division (C) of this section. 43973

(C) The director, by rule, shall establish the state's 43974
application fee for applications submitted to a municipal 43975
corporation or county to enter into an agreement under section 43976
5709.88 of the Revised Code. In establishing the amount of the 43977
fee, the director shall consider the state's cost of administering 43978
this section and section 5709.88 of the Revised Code. The director 43979
may change the amount of the fee at such times and in such 43980
increments as ~~he~~ the director considers necessary. Any municipal 43981
corporation or county that receives an application shall collect 43982
the application fee and remit the fee for deposit in the state 43983
treasury to the credit of the contaminated sites development 43984
program administration fund, which is hereby created. Money 43985
credited to the fund shall be used by the department of 43986
development to pay the costs of administering this section and 43987
section 5709.88 of the Revised Code. 43988

Sec. 5713.34. (A)(1) Upon the conversion of all or any 43989
portion of a tract, lot, or parcel of land devoted exclusively to 43990
agricultural use a portion of the tax savings upon such converted 43991
land shall be recouped as provided for by Section 36, Article II, 43992
Ohio Constitution by levying a charge on such land in an amount 43993
equal to the amount of the tax savings on the converted land 43994

during the three tax years immediately preceding the year in which 43995
the conversion occurs. The charge shall constitute a lien of the 43996
state upon such converted land as of the first day of January of 43997
the tax year in which the charge is levied and shall continue 43998
until discharged as provided by law. 43999

(2) Upon the conversion of an adequately described portion of 44000
a tract, lot, or parcel of land, the county auditor shall divide 44001
any numbered permanent parcel into economic units and value each 44002
unit individually for the purpose of levying the charge under 44003
division (A)(1) of this section against only the converted 44004
portion. 44005

(B) Except as otherwise provided in division (C) or (D) of 44006
this section, a public entity that acquires by any means and 44007
converts land devoted exclusively to agricultural use and a 44008
private entity granted the power of eminent domain that acquires 44009
by any means and converts land devoted exclusively to agricultural 44010
use shall pay the charge levied by division (A) of this section 44011
and shall not, directly or indirectly, transfer the charge to the 44012
person from whom the land is acquired. A person injured by a 44013
violation of this division may recover, in a civil action, any 44014
damages resulting from the violation. 44015

(C) The charge levied by division (A)(1) of this section does 44016
not apply to the conversion of land acquired by a public entity or 44017
the department of natural resources by means other than eminent 44018
domain and thereafter used exclusively for a public purpose that 44019
leaves the land principally undeveloped when ~~either~~ any of the 44020
following conditions ~~applies~~ apply: 44021

(1) In the case of land so acquired and converted by a park 44022
district created under Chapter 1545. of the Revised Code, the land 44023
is located within the boundaries of the park district. 44024

(2) In the case of land so acquired and converted by a public 44025

entity other than a park district created under Chapter 1545. of 44026
the Revised Code, the land is located within the boundaries of any 44027
city, local, exempted village, or joint vocational school district 44028
that is wholly or partially located within the boundaries of the 44029
public entity that so acquired and converted the land. 44030

(3) The land was acquired on behalf of and converted by the 44031
division of forestry created under Chapter 1503. of the Revised 44032
Code. 44033

(4) The land was acquired on behalf of and converted by the 44034
division of natural areas and preserves created under section 44035
1517.02 of the Revised Code. 44036

(5) The land was acquired on behalf of and converted by the 44037
division of wildlife created under section 1531.03 of the Revised 44038
Code. 44039

(6) The land was acquired on behalf of and converted by the 44040
division of parks and recreation created under section 1541.01 of 44041
the Revised Code. 44042

If all or any portion of a tract, lot, or parcel of such land 44043
is later developed or otherwise converted to a purpose other than 44044
one of the purposes enumerated under division (E)(1) of this 44045
section, the charge levied by division (A)(1) of this section 44046
shall be levied against such developed or converted land as 44047
otherwise required by that division. 44048

The county auditor of the county in which the land is located 44049
shall determine annually whether all or any portion of a tract, 44050
lot, or parcel of land formerly converted to a purpose enumerated 44051
under division (E)(1) of this section has been developed in such a 44052
way or converted to such a purpose as to require the charge levied 44053
by division (A)(1) of this section to be levied against the land 44054
so developed or converted. 44055

(D) Division (B) of this section does not apply to a public 44056

entity that acquires by means other than eminent domain and 44057
converts land devoted exclusively to agricultural use to use for 44058
public, active or passive, outdoor education, recreation, or 44059
similar open space uses when either of the following conditions 44060
applies: 44061

(1) In the case of land so acquired and converted by a park 44062
district created under Chapter 1545. of the Revised Code, the land 44063
is located outside the boundaries of the park district. 44064

(2) In the case of land so acquired and converted by a public 44065
entity other than a park district created under Chapter 1545. of 44066
the Revised Code, the land is located outside the boundaries of 44067
any city, local, exempted village, or joint vocational school 44068
district that is wholly or partially located within the boundaries 44069
of the public entity that so acquired and converted the land. 44070

(E) As used in divisions (C) and (D) of this section: 44071

(1) "Principally undeveloped" means a parcel of real property 44072
that is used for public, active or passive, outdoor education, 44073
recreation, or similar open space uses and contains only the 44074
structures, roadways, and other facilities that are necessary for 44075
such uses. 44076

(2) "Public entity" means any political subdivision of this 44077
state or any agency or instrumentality of a political subdivision. 44078

Sec. 5715.36. (A) Any expense incurred by the tax 44079
commissioner as to the annual assessment of real property in any 44080
taxing district shall be paid out of the treasury of the county in 44081
which such district is located upon presentation of the order of 44082
the commissioner certifying the amount thereof to the county 44083
auditor, who shall thereupon issue ~~his~~ a warrant therefor upon the 44084
general fund of the county and direct the warrant to the county 44085
treasurer, who shall pay the same. All money paid out of the 44086

county treasury under authority of this division and section 44087
5703.30 of the Revised Code shall be charged against the proper 44088
district, and amounts paid by the county shall be retained by the 44089
auditor from funds due such district at the time of making the 44090
semiannual distribution of taxes. 44091

(B) Any expense incurred by the board of tax appeals as to 44092
the hearing of any appeal from a county budget commission with 44093
respect to the allocation of the local government or local 44094
communities fund or the county library and local government 44095
support fund or county local libraries fund shall be paid out of 44096
the treasury of the county involved upon presentation of the order 44097
of the board certifying the amount thereof to the county auditor, 44098
who shall thereupon issue ~~his~~ a warrant therefor upon the general 44099
fund of the county and direct the warrant to the county treasurer, 44100
who shall pay the same. At the time the local government or local 44101
communities fund or the county library and local government 44102
support fund or county local libraries fund is distributed, all 44103
money which had been paid out of the county treasury for such 44104
expenses shall be deducted by the county auditor from the fund 44105
involved in the appeal. The amount so deducted by the county 44106
auditor shall be forthwith returned to the general fund of the 44107
county. 44108

(C) An amount equal to the sum of the expenses incurred by 44109
the board of tax appeals as to any of the following shall be paid 44110
out of the general fund of the county in which such property is 44111
located upon presentation of the order of the board certifying the 44112
amount thereof to the county auditor, who shall thereupon issue 44113
~~his~~ a warrant therefor upon the general fund of the county and 44114
direct the warrant to the county treasurer, who shall pay the 44115
same: 44116

(1) The hearing of any appeal from a county board of revision 44117
under section 5717.01 of the Revised Code; 44118

(2) An appeal from any finding, computation, determination, 44119
or order of the tax commissioner made with respect to the 44120
assessment or exemption of real property under division (B) of 44121
section 5715.61 and section 5717.02 of the Revised Code. At the 44122
time of each settlement of taxes under divisions (A) and (C) of 44123
section 321.24 of the Revised Code, there shall be deducted from 44124
the taxes included in such settlement and paid into the county 44125
general fund in the same manner as the fees allowed the county 44126
treasurer on amounts included in such settlement, the amounts paid 44127
out under this division since the preceding settlement. Each 44128
deduction shall be apportioned among the taxing districts within 44129
which the property that was the subject of the appeal is located 44130
in proportion to their relative shares of their respective taxes 44131
included in the settlement. 44132

Sec. 5719.041. If the payment of a general personal property 44133
or classified property tax is not made on or before the last day 44134
prescribed by section 5719.03 or 5719.031 of the Revised Code, an 44135
interest charge shall begin to accrue and shall continue until all 44136
charges are paid, except that no interest charge shall accrue for 44137
or in the month in which such payment was due under such section 44138
or under the circumstances and for the period described in 44139
division (A)(2) of section 5711.33 of the Revised Code or upon 44140
delinquent taxes that are the subject of a delinquent tax contract 44141
entered into pursuant to section 5719.05 of the Revised Code. 44142

The interest charge shall accrue against the balance of such 44143
taxes and any penalty thereon outstanding that remains unpaid on 44144
the last day of each month and shall be at the rate per calendar 44145
month, rounded to the nearest one-hundredth of one per cent, equal 44146
to one-twelfth of the federal short-term rate determined by the 44147
tax commissioner under section 5703.47 of the Revised Code for the 44148
calendar year that includes the month for which the charge 44149
accrues. The charge is payable in addition to the unpaid balance 44150

of taxes and penalties on the day the charge accrues, unless the 44151
entire balance is sooner paid. 44152

If a delinquent tax contract becomes void, interest shall be 44153
charged on the day on which the contract becomes void in the 44154
amount that would have been charged had the delinquent tax 44155
contract not been entered into and shall thereafter accrue as 44156
provided in this section. 44157

Interest shall be allowed, at the same rate per calendar 44158
month as is applicable that month for underpayments, on any 44159
overpayment of the tax charged on a general personal property or a 44160
classified property tax duplicate, from the first day of the month 44161
following the date of the overpayment until the last day of the 44162
month preceding the date of the refund of the overpayment. The 44163
interest shall be paid from the fund or funds to which the 44164
overpayment was credited. 44165

When the county treasurer makes the treasurer's annual 44166
settlement with the county auditor under division (D) of section 44167
321.24 of the Revised Code, the treasurer shall certify to the 44168
auditor a list of all entries on the cumulative delinquent tax 44169
duplicate that are at that time in the process of being paid in 44170
installments under a valid delinquent tax contract. For each entry 44171
that appears on the duplicate that is not on the certified list, 44172
the auditor shall compute the full amount of interest charges 44173
which have accrued against such entry since the preceding such 44174
settlement was made and shall include such charges through the 44175
last day of the month preceding the current settlement. The 44176
auditor shall include such amounts on the tax list and duplicates 44177
prepared by the auditor as prescribed in section 5719.04 of the 44178
Revised Code unless the interest is less than one dollar, in which 44179
case it shall not be added to such tax lists and duplicates. 44180

Before the county treasurer accepts any payment of taxes 44181
against which there are accrued interest charges that do not 44182

appear on the delinquent tax duplicate, the treasurer shall notify 44183
the auditor who shall issue a certificate to the treasurer showing 44184
the amount of such interest charges, and the treasurer shall 44185
collect the amount shown on such certificate at the time of 44186
accepting payment of such taxes. If the amount of such interest 44187
charges is less than one dollar, no such certificate shall be 44188
issued. In the case of delinquent personal property taxes, the 44189
interest shown on such certificate shall be credited to the 44190
undivided general tax fund, and distributed in the same manner as 44191
the delinquent taxes upon which the interest charges accrued. In 44192
the case of delinquent classified property taxes, the interest 44193
shown on such certificate shall be credited to the county ~~library~~ 44194
~~and local government support libraries~~ fund and distributed in 44195
accordance with section 5747.48 of the Revised Code. When the 44196
payment of delinquent taxes is credited on the tax duplicate the 44197
treasurer shall make a separate notation thereon indicating the 44198
amount collected and the index number of the auditor's certificate 44199
herein prescribed. 44200

Sec. 5725.151. (A) As used in this section, "certificate 44201
owner" has the same meaning as in section 149.311 of the Revised 44202
Code. 44203

(B) There is allowed a refundable credit against the tax 44204
imposed by section 5707.03 and assessed under section 5725.15 of 44205
the Revised Code for a dealer in intangibles subject to that tax 44206
that is a certificate owner of a rehabilitation tax credit 44207
certificate issued under section 149.311 of the Revised Code. The 44208
credit shall equal twenty-five per cent of the dollar amount 44209
indicated on the certificate. The credit shall be claimed in the 44210
calendar year specified in the certificate. 44211

(C) A dealer in intangibles claiming a credit under this 44212
section shall retain the rehabilitation tax credit certificate for 44213

four years following the end of the year in which the credit was 44214
claimed, and shall make the certificate available for inspection 44215
by the tax commissioner upon the request of the tax commissioner 44216
during that period. 44217

(D) For the purpose of division (C) of section 5725.24 of the 44218
Revised Code, reductions in the amount of taxes collected on 44219
account of credits allowed under this section shall be applied to 44220
reduce the amount credited to the general revenue fund and shall 44221
not be applied to reduce the amount to be credited to the 44222
undivided local ~~government~~ communities funds of the counties in 44223
which such taxes originate. 44224

Sec. 5725.24. (A) As used in this section, "qualifying 44225
dealer" means a dealer in intangibles that is a qualifying dealer 44226
in intangibles as defined in section 5733.45 of the Revised Code 44227
or a member of a qualifying controlled group, as defined in 44228
section 5733.04 of the Revised Code, of which an insurance company 44229
also is a member on the first day of January of the year in and 44230
for which the tax imposed by section 5707.03 of the Revised Code 44231
is required to be paid by the dealer. 44232

(B) The taxes levied by section 5725.18 of the Revised Code 44233
and collected pursuant to this chapter shall be paid into the 44234
state treasury to the credit of the general revenue fund. 44235

(C) The taxes levied by section 5707.03 of the Revised Code 44236
on the value of shares in and capital employed by dealers in 44237
intangibles other than those that are qualifying dealers shall be 44238
for the use of the general revenue fund of the state and the local 44239
~~government~~ communities funds of the several counties in which the 44240
taxes originate as provided in this division. 44241

~~On or before the first day of~~ During each month ~~on~~ for which 44242
there is money in the state treasury for disbursement under this 44243
division, the tax commissioner shall provide for payment to the 44244

county treasurer of each county of five-eighths of the amount of 44245
the taxes collected on account of shares in and capital employed 44246
by dealers in intangibles other than those that are qualifying 44247
dealers, representing capital employed in the county. The balance 44248
of the money received and credited on account of taxes assessed on 44249
shares in and capital employed by such dealers in intangibles 44250
shall be credited to the general revenue fund. 44251

Reductions in the amount of taxes collected on account of 44252
credits allowed under section 5725.151 of the Revised Code shall 44253
be applied to reduce the amount credited to the general revenue 44254
fund and shall not be applied to reduce the amount to be credited 44255
to the undivided local ~~government~~ communities funds of the 44256
counties in which such taxes originate. 44257

For the purpose of this division, such taxes are deemed to 44258
originate in the counties in which such dealers in intangibles 44259
have their offices. 44260

Money received into the treasury of a county pursuant to this 44261
section shall be credited to the undivided local ~~government~~ 44262
communities fund of the county and shall be distributed by the 44263
budget commission as provided by law. 44264

(D) All of the taxes levied under section 5707.03 of the 44265
Revised Code on the value of the shares in and capital employed by 44266
dealers in intangibles that are qualifying dealers shall be paid 44267
into the state treasury to the credit of the general revenue fund. 44268

Sec. 5727.45. ~~Four and two tenths~~ One hundred per cent of all 44269
excise taxes and penalties collected under sections 5727.01 to 44270
5727.62 of the Revised Code shall be credited to ~~the local~~ 44271
~~government fund for distribution in accordance with section~~ 44272
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 44273
~~credited to the local government revenue assistance fund for~~ 44274
~~distribution in accordance with section 5747.61 of the Revised~~ 44275

~~Code, and ninety five and two tenths per cent shall be credited to~~ 44276
the general revenue fund. 44277

Sec. 5727.84. (A) As used in this section and sections 44278
5727.85, 5727.86, and 5727.87 of the Revised Code: 44279

(1) "School district" means a city, local, or exempted 44280
village school district. 44281

(2) "Joint vocational school district" means a joint 44282
vocational school district created under section 3311.16 of the 44283
Revised Code, and includes a cooperative education school district 44284
created under section 3311.52 or 3311.521 of the Revised Code and 44285
a county school financing district created under section 3311.50 44286
of the Revised Code. 44287

(3) "Local taxing unit" means a subdivision or taxing unit, 44288
as defined in section 5705.01 of the Revised Code, a park district 44289
created under Chapter 1545. of the Revised Code, or a township 44290
park district established under section 511.23 of the Revised 44291
Code, but excludes school districts and joint vocational school 44292
districts. 44293

(4) "State education aid," for a school district, means the 44294
sum of state aid amounts computed for the district under divisions 44295
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 44296
divisions (B), (C), and (D) of section 3317.023; divisions (G), 44297
(L), and (N) of section 3317.024; and sections 3317.029, 44298
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 44299
the Revised Code; and the adjustments required by: division (C) of 44300
section 3310.08; ~~division (C) of section 3314.08;~~ division (D) of 44301
section 3314.13; divisions (E), (K), (L), (M), (N), and (O) of 44302
section 3317.023; division (C) of section 3317.20; and sections 44303
3313.979 and 3313.981 of the Revised Code. However, when 44304
calculating state education aid for a school district for fiscal 44305
years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the 44306

district under Section ~~206.09.21~~ 269.20.80 of Am. Sub. H.B. ~~66~~ 44307
~~.....~~ of the ~~126th~~ 127th general assembly, as subsequently 44308
amended, instead of division (D) of section 3317.022 of the 44309
Revised Code; include amounts calculated under Section ~~206.09.39~~ 44310
269.30.80 of ~~that~~ this act, as subsequently amended; and account 44311
for adjustments under division (C)(2) of section 3310.41 of the 44312
Revised Code. 44313

(5) "State education aid," for a joint vocational school 44314
district, means the sum of the state aid amounts computed for the 44315
district under division (N) of section 3317.024 and section 44316
3317.16 of the Revised Code. However, when calculating state 44317
education aid for a joint vocational school district for fiscal 44318
years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the 44319
district under Section ~~206.09.42~~ 269.30.90 of Am. Sub. H.B. ~~66~~ 44320
~~.....~~ of the ~~126th~~ 127th general assembly, as subsequently 44321
amended. 44322

(6) "State education aid offset" means the amount determined 44323
for each school district or joint vocational school district under 44324
division (A)(1) of section 5727.85 of the Revised Code. 44325

(7) "Recognized valuation" has the same meaning as in section 44326
3317.02 of the Revised Code. 44327

(8) "Electric company tax value loss" means the amount 44328
determined under division (D) of this section. 44329

(9) "Natural gas company tax value loss" means the amount 44330
determined under division (E) of this section. 44331

(10) "Tax value loss" means the sum of the electric company 44332
tax value loss and the natural gas company tax value loss. 44333

(11) "Fixed-rate levy" means any tax levied on property other 44334
than a fixed-sum levy. 44335

(12) "Fixed-rate levy loss" means the amount determined under 44336

division (G) of this section. 44337

(13) "Fixed-sum levy" means a tax levied on property at 44338
whatever rate is required to produce a specified amount of tax 44339
money or levied in excess of the ten-mill limitation to pay debt 44340
charges, and includes school district emergency levies imposed 44341
pursuant to section 5705.194 of the Revised Code. 44342

(14) "Fixed-sum levy loss" means the amount determined under 44343
division (H) of this section. 44344

(15) "Consumer price index" means the consumer price index 44345
(all items, all urban consumers) prepared by the bureau of labor 44346
statistics of the United States department of labor. 44347

(B) The kilowatt-hour tax receipts fund is hereby created in 44348
the state treasury and shall consist of money arising from the tax 44349
imposed by section 5727.81 of the Revised Code. All money in the 44350
kilowatt-hour tax receipts fund shall be credited as follows: 44351

(1) ~~Fifty nine and nine hundred seventy six one thousandths~~ 44352
Sixty-three per cent, shall be credited to the general revenue 44353
fund. 44354

(2) ~~Two and six hundred forty six one thousandths per cent~~ 44355
~~shall be credited to the local government fund, for distribution~~ 44356
~~in accordance with section 5747.50 of the Revised Code.~~ 44357

(3) ~~Three hundred seventy eight one thousandths per cent~~ 44358
~~shall be credited to the local government revenue assistance fund,~~ 44359
~~for distribution in accordance with section 5747.61 of the Revised~~ 44360
~~Code.~~ 44361

(4) Twenty-five and four-tenths per cent shall be credited to 44362
the school district property tax replacement fund, which is hereby 44363
created in the state treasury for the purpose of making the 44364
payments described in section 5727.85 of the Revised Code. 44365

(5)(3) Eleven and six-tenths per cent shall be credited to 44366

the local government property tax replacement fund, which is 44367
hereby created in the state treasury for the purpose of making the 44368
payments described in section 5727.86 of the Revised Code. 44369

(C) The natural gas tax receipts fund is hereby created in 44370
the state treasury and shall consist of money arising from the tax 44371
imposed by section 5727.811 of the Revised Code. All money in the 44372
fund shall be credited as follows: 44373

(1) Sixty-eight and seven-tenths per cent shall be credited 44374
to the school district property tax replacement fund for the 44375
purpose of making the payments described in section 5727.85 of the 44376
Revised Code. 44377

(2) Thirty-one and three-tenths per cent shall be credited to 44378
the local government property tax replacement fund for the purpose 44379
of making the payments described in section 5727.86 of the Revised 44380
Code. 44381

(D) Not later than January 1, 2002, the tax commissioner 44382
shall determine for each taxing district its electric company tax 44383
value loss, which is the sum of the applicable amounts described 44384
in divisions (D)(1) to (3) of this section: 44385

(1) The difference obtained by subtracting the amount 44386
described in division (D)(1)(b) from the amount described in 44387
division (D)(1)(a) of this section. 44388

(a) The value of electric company and rural electric company 44389
tangible personal property as assessed by the tax commissioner for 44390
tax year 1998 on a preliminary assessment, or an amended 44391
preliminary assessment if issued prior to March 1, 1999, and as 44392
apportioned to the taxing district for tax year 1998; 44393

(b) The value of electric company and rural electric company 44394
tangible personal property as assessed by the tax commissioner for 44395
tax year 1998 had the property been apportioned to the taxing 44396
district for tax year 2001, and assessed at the rates in effect 44397

for tax year 2001. 44398

(2) The difference obtained by subtracting the amount 44399
described in division (D)(2)(b) from the amount described in 44400
division (D)(2)(a) of this section. 44401

(a) The three-year average for tax years 1996, 1997, and 1998 44402
of the assessed value from nuclear fuel materials and assemblies 44403
assessed against a person under Chapter 5711. of the Revised Code 44404
from the leasing of them to an electric company for those 44405
respective tax years, as reflected in the preliminary assessments; 44406

(b) The three-year average assessed value from nuclear fuel 44407
materials and assemblies assessed under division (D)(2)(a) of this 44408
section for tax years 1996, 1997, and 1998, as reflected in the 44409
preliminary assessments, using an assessment rate of twenty-five 44410
per cent. 44411

(3) In the case of a taxing district having a nuclear power 44412
plant within its territory, any amount, resulting in an electric 44413
company tax value loss, obtained by subtracting the amount 44414
described in division (D)(1) of this section from the difference 44415
obtained by subtracting the amount described in division (D)(3)(b) 44416
of this section from the amount described in division (D)(3)(a) of 44417
this section. 44418

(a) The value of electric company tangible personal property 44419
as assessed by the tax commissioner for tax year 2000 on a 44420
preliminary assessment, or an amended preliminary assessment if 44421
issued prior to March 1, 2001, and as apportioned to the taxing 44422
district for tax year 2000; 44423

(b) The value of electric company tangible personal property 44424
as assessed by the tax commissioner for tax year 2001 on a 44425
preliminary assessment, or an amended preliminary assessment if 44426
issued prior to March 1, 2002, and as apportioned to the taxing 44427
district for tax year 2001. 44428

(E) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its natural gas company tax value loss, which is the sum of the amounts described in divisions (E)(1) and (2) of this section:

(1) The difference obtained by subtracting the amount described in division (E)(1)(b) from the amount described in division (E)(1)(a) of this section.

(a) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2000, and apportioned to the taxing district for tax year 1999;

(b) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in division (E)(2)(a) of this section.

(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned in the taxing district for those respective years;

(b) The three-year average assessed value from current gas under division (E)(2)(a) of this section for tax years 1997, 1998, and 1999, as reflected in the preliminary assessment, using an assessment rate of twenty-five per cent.

(F) The tax commissioner may request that natural gas

companies, electric companies, and rural electric companies file a 44460
report to help determine the tax value loss under divisions (D) 44461
and (E) of this section. The report shall be filed within thirty 44462
days of the commissioner's request. A company that fails to file 44463
the report or does not timely file the report is subject to the 44464
penalty in section 5727.60 of the Revised Code. 44465

(G) Not later than January 1, 2002, the tax commissioner 44466
shall determine for each school district, joint vocational school 44467
district, and local taxing unit its fixed-rate levy loss, which is 44468
the sum of its electric company tax value loss multiplied by the 44469
tax rate in effect in tax year 1998 for fixed-rate levies and its 44470
natural gas company tax value loss multiplied by the tax rate in 44471
effect in tax year 1999 for fixed-rate levies. 44472

(H) Not later than January 1, 2002, the tax commissioner 44473
shall determine for each school district, joint vocational school 44474
district, and local taxing unit its fixed-sum levy loss, which is 44475
the amount obtained by subtracting the amount described in 44476
division (H)(2) of this section from the amount described in 44477
division (H)(1) of this section: 44478

(1) The sum of the electric company tax value loss multiplied 44479
by the tax rate in effect in tax year 1998, and the natural gas 44480
company tax value loss multiplied by the tax rate in effect in tax 44481
year 1999, for fixed-sum levies for all taxing districts within 44482
each school district, joint vocational school district, and local 44483
taxing unit. For the years 2002 through 2006, this computation 44484
shall include school district emergency levies that existed in 44485
1998 in the case of the electric company tax value loss, and 1999 44486
in the case of the natural gas company tax value loss, and all 44487
other fixed-sum levies that existed in 1998 in the case of the 44488
electric company tax value loss and 1999 in the case of the 44489
natural gas company tax value loss and continue to be charged in 44490
the tax year preceding the distribution year. For the years 2007 44491

through 2016 in the case of school district emergency levies, and 44492
for all years after 2006 in the case of all other fixed-sum 44493
levies, this computation shall exclude all fixed-sum levies that 44494
existed in 1998 in the case of the electric company tax value loss 44495
and 1999 in the case of the natural gas company tax value loss, 44496
but are no longer in effect in the tax year preceding the 44497
distribution year. For the purposes of this section, an emergency 44498
levy that existed in 1998 in the case of the electric company tax 44499
value loss, and 1999 in the case of the natural gas company tax 44500
value loss, continues to exist in a year beginning on or after 44501
January 1, 2007, but before January 1, 2017, if, in that year, the 44502
board of education levies a school district emergency levy for an 44503
annual sum at least equal to the annual sum levied by the board in 44504
tax year 1998 or 1999, respectively, less the amount of the 44505
payment certified under this division for 2002. 44506

(2) The total taxable value in tax year 1999 less the tax 44507
value loss in each school district, joint vocational school 44508
district, and local taxing unit multiplied by one-fourth of one 44509
mill. 44510

If the amount computed under division (H) of this section for 44511
any school district, joint vocational school district, or local 44512
taxing unit is greater than zero, that amount shall equal the 44513
fixed-sum levy loss reimbursed pursuant to division (E) of section 44514
5727.85 of the Revised Code or division (A)(2) of section 5727.86 44515
of the Revised Code, and the one-fourth of one mill that is 44516
subtracted under division (H)(2) of this section shall be 44517
apportioned among all contributing fixed-sum levies in the 44518
proportion of each levy to the sum of all fixed-sum levies within 44519
each school district, joint vocational school district, or local 44520
taxing unit. 44521

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 44522
section, in computing the tax value loss, fixed-rate levy loss, 44523

and fixed-sum levy loss, the tax commissioner shall use the 44524
greater of the 1998 tax rate or the 1999 tax rate in the case of 44525
levy losses associated with the electric company tax value loss, 44526
but the 1999 tax rate shall not include for this purpose any tax 44527
levy approved by the voters after June 30, 1999, and the tax 44528
commissioner shall use the greater of the 1999 or the 2000 tax 44529
rate in the case of levy losses associated with the natural gas 44530
company tax value loss. 44531

(J) Not later than January 1, 2002, the tax commissioner 44532
shall certify to the department of education the tax value loss 44533
determined under divisions (D) and (E) of this section for each 44534
taxing district, the fixed-rate levy loss calculated under 44535
division (G) of this section, and the fixed-sum levy loss 44536
calculated under division (H) of this section. The calculations 44537
under divisions (G) and (H) of this section shall separately 44538
display the levy loss for each levy eligible for reimbursement. 44539

(K) Not later than September 1, 2001, the tax commissioner 44540
shall certify the amount of the fixed-sum levy loss to the county 44541
auditor of each county in which a school district with a fixed-sum 44542
levy loss has territory. 44543

Sec. 5727.85. (A) By the thirty-first day of July of each 44544
year, beginning in 2002 and ending in 2016, the department of 44545
education shall determine the following for each school district 44546
and each joint vocational school district eligible for payment 44547
under division (C) or (D) of this section: 44548

(1) The state education aid offset, which is the difference 44549
obtained by subtracting the amount described in division (A)(1)(b) 44550
of this section from the amount described in division (A)(1)(a) of 44551
this section: 44552

(a) The state education aid computed for the school district 44553
or joint vocational school district for the current fiscal year as 44554

of the thirty-first day of July; 44555

(b) The state education aid that would be computed for the 44556
school district or joint vocational school district for the 44557
current fiscal year as of the thirty-first day of July if the 44558
recognized valuation included the tax value loss for the school 44559
district or joint vocational school district. 44560

(2) The greater of zero or the difference obtained by 44561
subtracting the state education aid offset determined under 44562
division (A)(1) of this section from the fixed-rate levy loss 44563
certified under division (J) of section 5727.84 of the Revised 44564
Code for all taxing districts in each school district and joint 44565
vocational school district. 44566

By the fifth day of August of each such year, the department 44567
of education shall certify the amount so determined under division 44568
(A)(1) of this section to the director of budget and management. 44569

(B) Not later than the thirty-first day of October of the 44570
years 2006 through 2016, the department of education shall 44571
determine all of the following for each school district: 44572

(1) The amount obtained by subtracting the district's state 44573
education aid computed for fiscal year 2002 from the district's 44574
state education aid computed for the current fiscal year; 44575

(2) The inflation-adjusted property tax loss. The 44576
inflation-adjusted property tax loss equals the fixed-rate levy 44577
loss, excluding the tax loss from levies within the ten-mill 44578
limitation to pay debt charges, determined under division (G) of 44579
section 5727.84 of the Revised Code for all taxing districts in 44580
each school district, plus the product obtained by multiplying 44581
that loss by the cumulative percentage increase in the consumer 44582
price index from January 1, 2002, to the thirtieth day of June of 44583
the current year. 44584

(3) The difference obtained by subtracting the amount 44585

computed under division (B)(1) from the amount of the 44586
inflation-adjusted property tax loss. If this difference is zero 44587
or a negative number, no further payments shall be made under 44588
division (C) of this section to the school district from the 44589
school district property tax replacement fund. 44590

(C) The department of education shall pay from the school 44591
district property tax replacement fund to each school district all 44592
of the following: 44593

(1) In February 2002, one-half of the fixed-rate levy loss 44594
certified under division (J) of section 5727.84 of the Revised 44595
Code between the twenty-first and twenty-eighth days of February. 44596

(2) From August 2002 through August 2017, one-half of the 44597
amount calculated for that fiscal year under division (A)(2) of 44598
this section between the twenty-first and twenty-eighth days of 44599
August and of February, provided the difference computed under 44600
division (B)(3) of this section is not less than or equal to zero. 44601

For taxes levied within the ten-mill limitation for debt 44602
purposes in tax year 1998 in the case of electric company tax 44603
value losses, and in tax year 1999 in the case of natural gas 44604
company tax value losses, payments shall be made equal to one 44605
hundred per cent of the loss computed as if the tax were a 44606
fixed-rate levy, but those payments shall extend from fiscal year 44607
2006 through fiscal year 2016. 44608

The department of education shall report to each school 44609
district the apportionment of the payments among the school 44610
district's funds based on the certifications under division (J) of 44611
section 5727.84 of the Revised Code. 44612

(D) Not later than January 1, 2002, for all taxing districts 44613
in each joint vocational school district, the tax commissioner 44614
shall certify to the department of education the fixed-rate levy 44615
loss determined under division (G) of section 5727.84 of the 44616

Revised Code. From February 2002 to August 2016, the department 44617
shall pay from the school district property tax replacement fund 44618
to the joint vocational school district one-half of the amount 44619
calculated for that fiscal year under division (A)(2) of this 44620
section between the twenty-first and twenty-eighth days of August 44621
and of February. 44622

(E)(1) Not later than January 1, 2002, for each fixed-sum 44623
levy levied by each school district or joint vocational school 44624
district and for each year for which a determination is made under 44625
division (H) of section 5727.84 of the Revised Code that a 44626
fixed-sum levy loss is to be reimbursed, the tax commissioner 44627
shall certify to the department of education the fixed-sum levy 44628
loss determined under that division. The certification shall cover 44629
a time period sufficient to include all fixed-sum levies for which 44630
the tax commissioner made such a determination. The department 44631
shall pay from the school district property tax replacement fund 44632
to the school district or joint vocational school district 44633
one-half of the fixed-sum levy loss so certified for each year 44634
between the twenty-first and twenty-eighth days of August and of 44635
February. 44636

(2) Beginning in 2003, by the thirty-first day of January of 44637
each year, the tax commissioner shall review the certification 44638
originally made under division (E)(1) of this section. If the 44639
commissioner determines that a debt levy that had been scheduled 44640
to be reimbursed in the current year has expired, a revised 44641
certification for that and all subsequent years shall be made to 44642
the department of education. 44643

(F) If the balance of the half-mill equalization fund created 44644
under section 3318.18 of the Revised Code is insufficient to make 44645
the full amount of payments required under division (D) of that 44646
section, the department of education, at the end of the third 44647
quarter of the fiscal year, shall certify to the director of 44648

budget and management the amount of the deficiency, and the 44649
director shall transfer an amount equal to the deficiency from the 44650
school district property tax replacement fund to the half-mill 44651
equalization fund. 44652

(G) Beginning in August 2002, and ending in May 2017, the 44653
director of budget and management shall transfer from the school 44654
district property tax replacement fund to the general revenue fund 44655
each of the following: 44656

(1) Between the twenty-eighth day of August and the fifth day 44657
of September, the lesser of one-half of the amount certified for 44658
that fiscal year under division (A)(2) of this section or the 44659
balance in the school district property tax replacement fund; 44660

(2) Between the first and fifth days of May, the lesser of 44661
one-half of the amount certified for that fiscal year under 44662
division (A)(2) of this section or the balance in the school 44663
district property tax replacement fund. 44664

(H) On the first day of June each year, the director of 44665
budget and management ~~shall~~ may transfer any balance remaining in 44666
the school district property tax replacement fund after the 44667
payments have been made under divisions (C), (D), (E), (F), and 44668
(G) of this section to the half-mill equalization fund created 44669
under section 3318.18 of the Revised Code, or to the general 44670
revenue fund. 44671

(I) From fiscal year 2002 through fiscal year 2016, if the 44672
total amount in the school district property tax replacement fund 44673
is insufficient to make all payments under divisions (C), (D), 44674
(E), and (F) of this section at the time the payments are to be 44675
made, the director of budget and management shall transfer from 44676
the general revenue fund to the school district property tax 44677
replacement fund the difference between the total amount to be 44678
paid and the total amount in the school district property tax 44679

replacement fund, except that no transfer shall be made by reason 44680
of a deficiency to the extent that it results from the amendment 44681
of section 5727.84 of the Revised Code by Amended Substitute House 44682
Bill No. 95 of the 125th general assembly. 44683

(J) If all of the territory of a school district or joint 44684
vocational school district is merged with an existing district, or 44685
if a part of the territory of a school district or joint 44686
vocational school district is transferred to an existing or new 44687
district, the department of education, in consultation with the 44688
tax commissioner, shall adjust the payments made under this 44689
section as follows: 44690

(1) For the merger of all of the territory of two or more 44691
districts, the fixed-rate levy loss and the fixed-sum levy loss of 44692
the successor district shall be equal to the sum of the fixed-rate 44693
levy losses and the fixed-sum levy losses for each of the 44694
districts involved in the merger. 44695

(2) For the transfer of a part of one district's territory to 44696
an existing district, the amount of the fixed-rate levy loss that 44697
is transferred to the recipient district shall be an amount equal 44698
to the transferring district's total fixed-rate levy loss times a 44699
fraction, the numerator of which is the value of electric company 44700
tangible personal property located in the part of the territory 44701
that was transferred, and the denominator of which is the total 44702
value of electric company tangible personal property located in 44703
the entire district from which the territory was transferred. The 44704
value of electric company tangible personal property under this 44705
division shall be determined for the most recent year for which 44706
data is available. Fixed-sum levy losses for both districts shall 44707
be determined under division (J)(4) of this section. 44708

(3) For the transfer of a part of the territory of one or 44709
more districts to create a new district: 44710

(a) If the new district is created on or after January 1, 44711
2000, but before January 1, 2005, the new district shall be paid 44712
its current fixed-rate levy loss through August ~~2008~~ 2009. From 44713
February ~~2009~~ 2010 to August 2016, the new district shall be paid 44714
the lesser of: (i) the amount calculated under division (C)(2) of 44715
this section or (ii) an amount equal to the new district's 44716
fixed-rate levy loss multiplied by the percentage prescribed by 44717
the following schedule: 44718

YEAR	PERCENTAGE	
2009	75%	44719
2010	70%	44720
2011	70%	44721
2012	60%	44722
2013	50%	44723
2014	40%	44724
2015	24%	44725
2016	11.5%	44726
2017 and thereafter	0%	44727

Fixed-sum levy losses for the districts shall be determined 44729
under division (J)(4) of this section. 44730

(b) If the new district is created on or after January 1, 44731
2005, the new district shall be deemed not to have any fixed-rate 44732
levy loss or, except as provided in division (J)(4) of this 44733
section, fixed-sum levy loss. The district or districts from which 44734
the territory was transferred shall have no reduction in their 44735
fixed-rate levy loss, or, except as provided in division (J)(4) of 44736
this section, their fixed-sum levy loss. 44737

(4) If a recipient district under division (J)(2) of this 44738
section or a new district under division (J)(3)(a) or (b) of this 44739
section takes on debt from one or more of the districts from which 44740
territory was transferred, and any of the districts transferring 44741
the territory had fixed-sum levy losses, the department of 44742

education, in consultation with the tax commissioner, shall make 44743
an equitable division of the fixed-sum levy losses. 44744

(K) There is hereby created the public utility property tax 44745
study committee, effective January 1, 2011. The committee shall 44746
consist of the following seven members: the tax commissioner, 44747
three members of the senate appointed by the president of the 44748
senate, and three members of the house of representatives 44749
appointed by the speaker of the house of representatives. The 44750
appointments shall be made not later than January 31, 2011. The 44751
tax commissioner shall be the chairperson of the committee. 44752

The committee shall study the extent to which each school 44753
district or joint vocational school district has been compensated, 44754
under sections 5727.84 and 5727.85 of the Revised Code as enacted 44755
by Substitute Senate Bill No. 3 of the 123rd general assembly and 44756
any subsequent acts, for the property tax loss caused by the 44757
reduction in the assessment rates for natural gas, electric, and 44758
rural electric company tangible personal property. Not later than 44759
June 30, 2011, the committee shall issue a report of its findings, 44760
including any recommendations for providing additional 44761
compensation for the property tax loss or regarding remedial 44762
legislation, to the president of the senate and the speaker of the 44763
house of representatives, at which time the committee shall cease 44764
to exist. 44765

The department of taxation and department of education shall 44766
provide such information and assistance as is required for the 44767
committee to carry out its duties. 44768

Sec. 5727.87. (A) As used in this section: 44769

(1) "Administrative fees" means the dollar percentages 44770
allowed by the county auditor for services or by the county 44771
treasurer as fees, or paid to the credit of the real estate 44772
assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 44773

and division (A) of section 321.26 of the Revised Code. 44774

(2) "Administrative fee loss" means a county's loss of 44775
administrative fees due to its tax value loss, determined as 44776
follows: 44777

(a) For purposes of the determination made under division (B) 44778
of this section in the years 2002 through 2006, the administrative 44779
fee loss shall be computed by multiplying the amounts determined 44780
for all taxing districts in the county under divisions (G) and (H) 44781
of section 5727.84 of the Revised Code by nine thousand six 44782
hundred fifty-nine ten-thousandths of one per cent if total taxes 44783
collected in the county in 1999 exceeded one hundred fifty million 44784
dollars, or one and one thousand one hundred fifty-nine 44785
ten-thousandths of one per cent if total taxes collected in the 44786
county in 1999 were one hundred fifty million dollars or less; 44787

(b) For purposes of the determination under division (B) of 44788
this section in the years 2007 through 2011, the administrative 44789
fee loss shall be the lesser of the amount computed under division 44790
(A)(2)(a) of this section or the amount determined by subtracting 44791
from the dollar amount of administrative fees collected in the 44792
county in 1999, the dollar amount of administrative fees collected 44793
in the county in the current calendar year. 44794

(3) "Total taxes collected" means all money collected on any 44795
tax duplicate of the county, other than the estate tax duplicates. 44796
"Total taxes collected" does not include amounts received pursuant 44797
to divisions (F) and (G) of section 321.24 or section 323.156 of 44798
the Revised Code. 44799

(B) Not later than the thirty-first day of December of 2001 44800
through 2005, the tax commissioner shall certify to each county 44801
auditor the tax levy losses calculated under divisions (G) and (H) 44802
of section 5727.84 of the Revised Code for each school district, 44803
joint vocational school district, and local taxing unit in the 44804

county. Not later than the thirty-first day of January of 2002 44805
through 2011, the county auditor shall determine the 44806
administrative fee loss for the county and apportion that loss 44807
ratably among the school districts, joint vocational school 44808
districts, and local taxing units on the basis of the tax levy 44809
losses certified under this division. 44810

(C) On or before each of the days prescribed for the 44811
settlements under divisions (A) and (C) of section 321.24 of the 44812
Revised Code in the years 2002 through 2011, the county treasurer 44813
shall deduct one-half of the amount apportioned to each school 44814
district, joint vocational school district, and local taxing unit 44815
from the portions of revenue payable to them. 44816

(D) On or before each of the days prescribed for settlements 44817
under divisions (A) and (C) of section 321.24 of the Revised Code 44818
in the years 2002 through 2011, the county auditor shall cause to 44819
be deposited an amount equal to one-half of the amount of the 44820
administrative fee loss in the same funds as if allowed as 44821
administrative fees. 44822

After payment of the administrative fee loss on or before 44823
August 10, 2011, all payments under this section shall cease. 44824

Sec. 5733.12. (A) ~~Four and two tenths per cent of all~~ All 44825
payments received from the taxes imposed under sections 5733.06 44826
and 5733.41 of the Revised Code shall be credited to ~~the local~~ 44827
~~government fund for distribution in accordance with section~~ 44828
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 44829
~~credited to the local government revenue assistance fund for~~ 44830
~~distribution in accordance with section 5747.61 of the Revised~~ 44831
~~Code, and ninety five and two tenths per cent shall be credited to~~ 44832
the general revenue fund. 44833

(B) Except as otherwise provided under divisions (C) and (D) 44834
of this section, an application to refund to the corporation the 44835

amount of taxes imposed under section 5733.06 of the Revised Code 44836
that are overpaid, paid illegally or erroneously, or paid on any 44837
illegal, erroneous, or excessive assessment, with interest thereon 44838
as provided by section 5733.26 of the Revised Code, shall be filed 44839
with the tax commissioner, on the form prescribed by the 44840
commissioner, within three years from the date of the illegal, 44841
erroneous, or excessive payment of the tax, or within any 44842
additional period allowed by division (C)(2) of section 5733.031, 44843
division (D)(2) of section 5733.067, or division (A) of section 44844
5733.11 of the Revised Code. For purposes of division (B) of this 44845
section, any payment that the applicant made before the due date 44846
or extended due date for filing the report to which the payment 44847
relates shall be deemed to have been made on the due date or 44848
extended due date. 44849

On the filing of the refund application, the commissioner 44850
shall determine the amount of refund to which the applicant is 44851
entitled. If the amount is not less than that claimed the 44852
commissioner shall certify the amount to the director of budget 44853
and management and treasurer of state for payment from the tax 44854
refund fund created by section 5703.052 of the Revised Code. If 44855
the amount is less than that claimed, the commissioner shall 44856
proceed in accordance with section 5703.70 of the Revised Code. 44857

(C) "Ninety days" shall be substituted for "three years" in 44858
division (B) of this section if the taxpayer satisfies both of the 44859
following: 44860

(1) The taxpayer has applied for a refund based in whole or 44861
in part upon section 5733.0611 of the Revised Code; 44862

(2) The taxpayer asserts that the imposition or collection of 44863
the tax imposed or charged by section 5733.06 of the Revised Code 44864
or any portion of such tax violates the Constitution of the United 44865
States or the Constitution of this state. 44866

(D)(1) Division (D)(2) of this section applies only if all of 44867
the following conditions are satisfied: 44868

(a) A qualifying pass-through entity pays an amount of the 44869
tax imposed by section 5733.41 of the Revised Code; 44870

(b) The taxpayer is a qualifying investor as to that 44871
qualifying pass-through entity; 44872

(c) The taxpayer did not claim the credit provided for in 44873
section 5733.0611 of the Revised Code as to the tax described in 44874
division (D)(1)(a) of this section; 44875

(d) The three-year period described in division (B) of this 44876
section has ended as to the taxable year for which the taxpayer 44877
otherwise would have claimed that credit. 44878

(2) A taxpayer shall file an application for refund pursuant 44879
to this division within one year after the date the payment 44880
described in division (D)(1)(a) of this section is made. An 44881
application filed under this division shall only claim refund of 44882
overpayments resulting from the taxpayer's failure to claim the 44883
credit described in division (D)(1)(c) of this section. Nothing in 44884
this division shall be construed to relieve a taxpayer from 44885
complying with the provisions of division (I)(14) of section 44886
5733.04 of the Revised Code. 44887

Sec. 5739.02. For the purpose of providing revenue with which 44888
to meet the needs of the state, for the use of the general revenue 44889
fund of the state, for the purpose of securing a thorough and 44890
efficient system of common schools throughout the state, for the 44891
purpose of affording revenues, in addition to those from general 44892
property taxes, permitted under constitutional limitations, and 44893
from other sources, for the support of local governmental 44894
functions, and for the purpose of reimbursing the state for the 44895
expense of administering this chapter, an excise tax is hereby 44896

levied on each retail sale made in this state. 44897

(A)(1) The tax shall be collected as provided in section 44898
5739.025 of the Revised Code, provided that on and after July 1, 44899
2003, and on or before June 30, 2005, the rate of tax shall be six 44900
per cent. On and after July 1, 2005, the rate of the tax shall be 44901
five and one-half per cent. The tax applies and is collectible 44902
when the sale is made, regardless of the time when the price is 44903
paid or delivered. 44904

(2) In the case of the lease or rental, with a fixed term of 44905
more than thirty days or an indefinite term with a minimum period 44906
of more than thirty days, of any motor vehicles designed by the 44907
manufacturer to carry a load of not more than one ton, watercraft, 44908
outboard motor, or aircraft, or of any tangible personal property, 44909
other than motor vehicles designed by the manufacturer to carry a 44910
load of more than one ton, to be used by the lessee or renter 44911
primarily for business purposes, the tax shall be collected by the 44912
vendor at the time the lease or rental is consummated and shall be 44913
calculated by the vendor on the basis of the total amount to be 44914
paid by the lessee or renter under the lease agreement. If the 44915
total amount of the consideration for the lease or rental includes 44916
amounts that are not calculated at the time the lease or rental is 44917
executed, the tax shall be calculated and collected by the vendor 44918
at the time such amounts are billed to the lessee or renter. In 44919
the case of an open-end lease or rental, the tax shall be 44920
calculated by the vendor on the basis of the total amount to be 44921
paid during the initial fixed term of the lease or rental, and for 44922
each subsequent renewal period as it comes due. As used in this 44923
division, "motor vehicle" has the same meaning as in section 44924
4501.01 of the Revised Code, and "watercraft" includes an outdrive 44925
unit attached to the watercraft. 44926

A lease with a renewal clause and a termination penalty or 44927
similar provision that applies if the renewal clause is not 44928

exercised is presumed to be a sham transaction. In such a case, 44929
the tax shall be calculated and paid on the basis of the entire 44930
length of the lease period, including any renewal periods, until 44931
the termination penalty or similar provision no longer applies. 44932
The taxpayer shall bear the burden, by a preponderance of the 44933
evidence, that the transaction or series of transactions is not a 44934
sham transaction. 44935

(3) Except as provided in division (A)(2) of this section, in 44936
the case of a sale, the price of which consists in whole or in 44937
part of the lease or rental of tangible personal property, the tax 44938
shall be measured by the installments of that lease or rental. 44939

(4) In the case of a sale of a physical fitness facility 44940
service or recreation and sports club service, the price of which 44941
consists in whole or in part of a membership for the receipt of 44942
the benefit of the service, the tax applicable to the sale shall 44943
be measured by the installments thereof. 44944

(B) The tax does not apply to the following: 44945

(1) Sales to the state or any of its political subdivisions, 44946
or to any other state or its political subdivisions if the laws of 44947
that state exempt from taxation sales made to this state and its 44948
political subdivisions; 44949

(2) Sales of food for human consumption off the premises 44950
where sold; 44951

(3) Sales of food sold to students only in a cafeteria, 44952
dormitory, fraternity, or sorority maintained in a private, 44953
public, or parochial school, college, or university; 44954

(4) Sales of newspapers and of magazine subscriptions and 44955
sales or transfers of magazines distributed as controlled 44956
circulation publications; 44957

(5) The furnishing, preparing, or serving of meals without 44958

charge by an employer to an employee provided the employer records 44959
the meals as part compensation for services performed or work 44960
done; 44961

(6) Sales of motor fuel upon receipt, use, distribution, or 44962
sale of which in this state a tax is imposed by the law of this 44963
state, but this exemption shall not apply to the sale of motor 44964
fuel on which a refund of the tax is allowable under division (A) 44965
of section 5735.14 of the Revised Code; and the tax commissioner 44966
may deduct the amount of tax levied by this section applicable to 44967
the price of motor fuel when granting a refund of motor fuel tax 44968
pursuant to division (A) of section 5735.14 of the Revised Code 44969
and shall cause the amount deducted to be paid into the general 44970
revenue fund of this state; 44971

(7) Sales of natural gas by a natural gas company, of water 44972
by a water-works company, or of steam by a heating company, if in 44973
each case the thing sold is delivered to consumers through pipes 44974
or conduits, and all sales of communications services by a 44975
telegraph company, all terms as defined in section 5727.01 of the 44976
Revised Code, and sales of electricity delivered through wires; 44977

(8) Casual sales by a person, or auctioneer employed directly 44978
by the person to conduct such sales, except as to such sales of 44979
motor vehicles, watercraft or outboard motors required to be 44980
titled under section 1548.06 of the Revised Code, watercraft 44981
documented with the United States coast guard, snowmobiles, and 44982
all-purpose vehicles as defined in section 4519.01 of the Revised 44983
Code; 44984

(9) Sales of services or tangible personal property, other 44985
than motor vehicles, mobile homes, and manufactured homes, by 44986
churches, organizations exempt from taxation under section 44987
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 44988
organizations operated exclusively for charitable purposes as 44989
defined in division (B)(12) of this section, provided that the 44990

number of days on which such tangible personal property or 44991
services, other than items never subject to the tax, are sold does 44992
not exceed six in any calendar year. If the number of days on 44993
which such sales are made exceeds six in any calendar year, the 44994
church or organization shall be considered to be engaged in 44995
business and all subsequent sales by it shall be subject to the 44996
tax. In counting the number of days, all sales by groups within a 44997
church or within an organization shall be considered to be sales 44998
of that church or organization, except that sales made by separate 44999
student clubs and other groups of students of a primary or 45000
secondary school, and sales made by a parent-teacher association, 45001
booster group, or similar organization that raises money to 45002
support or fund curricular or extracurricular activities of a 45003
primary or secondary school, shall not be considered to be sales 45004
of such school, and sales by each such club, group, association, 45005
or organization shall be counted separately for purposes of the 45006
six-day limitation. This division does not apply to sales by a 45007
noncommercial educational radio or television broadcasting 45008
station. 45009

(10) Sales not within the taxing power of this state under 45010
the Constitution of the United States; 45011

(11) Except for transactions that are sales under division 45012
(B)(3)(r) of section 5739.01 of the Revised Code, the 45013
transportation of persons or property, unless the transportation 45014
is by a private investigation and security service; 45015

(12) Sales of tangible personal property or services to 45016
churches, to organizations exempt from taxation under section 45017
501(c)(3) of the Internal Revenue Code of 1986, and to any other 45018
nonprofit organizations operated exclusively for charitable 45019
purposes in this state, no part of the net income of which inures 45020
to the benefit of any private shareholder or individual, and no 45021
substantial part of the activities of which consists of carrying 45022

on propaganda or otherwise attempting to influence legislation; 45023
sales to offices administering one or more homes for the aged or 45024
one or more hospital facilities exempt under section 140.08 of the 45025
Revised Code; and sales to organizations described in division (D) 45026
of section 5709.12 of the Revised Code. 45027

"Charitable purposes" means the relief of poverty; the 45028
improvement of health through the alleviation of illness, disease, 45029
or injury; the operation of an organization exclusively for the 45030
provision of professional, laundry, printing, and purchasing 45031
services to hospitals or charitable institutions; the operation of 45032
a home for the aged, as defined in section 5701.13 of the Revised 45033
Code; the operation of a radio or television broadcasting station 45034
that is licensed by the federal communications commission as a 45035
noncommercial educational radio or television station; the 45036
operation of a nonprofit animal adoption service or a county 45037
humane society; the promotion of education by an institution of 45038
learning that maintains a faculty of qualified instructors, 45039
teaches regular continuous courses of study, and confers a 45040
recognized diploma upon completion of a specific curriculum; the 45041
operation of a parent-teacher association, booster group, or 45042
similar organization primarily engaged in the promotion and 45043
support of the curricular or extracurricular activities of a 45044
primary or secondary school; the operation of a community or area 45045
center in which presentations in music, dramatics, the arts, and 45046
related fields are made in order to foster public interest and 45047
education therein; the production of performances in music, 45048
dramatics, and the arts; or the promotion of education by an 45049
organization engaged in carrying on research in, or the 45050
dissemination of, scientific and technological knowledge and 45051
information primarily for the public. 45052

Nothing in this division shall be deemed to exempt sales to 45053
any organization for use in the operation or carrying on of a 45054

trade or business, or sales to a home for the aged for use in the 45055
operation of independent living facilities as defined in division 45056
(A) of section 5709.12 of the Revised Code. 45057

(13) Building and construction materials and services sold to 45058
construction contractors for incorporation into a structure or 45059
improvement to real property under a construction contract with 45060
this state or a political subdivision of this state, or with the 45061
United States government or any of its agencies; building and 45062
construction materials and services sold to construction 45063
contractors for incorporation into a structure or improvement to 45064
real property that are accepted for ownership by this state or any 45065
of its political subdivisions, or by the United States government 45066
or any of its agencies at the time of completion of the structures 45067
or improvements; building and construction materials sold to 45068
construction contractors for incorporation into a horticulture 45069
structure or livestock structure for a person engaged in the 45070
business of horticulture or producing livestock; building 45071
materials and services sold to a construction contractor for 45072
incorporation into a house of public worship or religious 45073
education, or a building used exclusively for charitable purposes 45074
under a construction contract with an organization whose purpose 45075
is as described in division (B)(12) of this section; building 45076
materials and services sold to a construction contractor for 45077
incorporation into a building under a construction contract with 45078
an organization exempt from taxation under section 501(c)(3) of 45079
the Internal Revenue Code of 1986 when the building is to be used 45080
exclusively for the organization's exempt purposes; building and 45081
construction materials sold for incorporation into the original 45082
construction of a sports facility under section 307.696 of the 45083
Revised Code; and building and construction materials and services 45084
sold to a construction contractor for incorporation into real 45085
property outside this state if such materials and services, when 45086
sold to a construction contractor in the state in which the real 45087

property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons primarily engaged in any of the activities mentioned in division (B)(42)(a) or (g) of this section, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, but does not include motor vehicles or bulk tanks, trailers, or similar devices attached to motor vehicles. "Packaging" means placing in a package. Division (B)(15) of this section does not apply to persons engaged in highway transportation for hire.

(16) Sales of food to persons using food stamp benefits to purchase the food. As used in this division, "food" has the same meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal regulations adopted pursuant to that act.

(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, 45120
agriculture, horticulture, or floriculture of other tangible 45121
personal property for use or consumption directly in the 45122
production of tangible personal property for sale by farming, 45123
agriculture, horticulture, or floriculture; or material and parts 45124
for incorporation into any such tangible personal property for use 45125
or consumption in production; and of tangible personal property 45126
for such use or consumption in the conditioning or holding of 45127
products produced by and for such use, consumption, or sale by 45128
persons engaged in farming, agriculture, horticulture, or 45129
floriculture, except where such property is incorporated into real 45130
property; 45131

(18) Sales of drugs for a human being that may be dispensed 45132
only pursuant to a prescription; insulin as recognized in the 45133
official United States pharmacopoeia; urine and blood testing 45134
materials when used by diabetics or persons with hypoglycemia to 45135
test for glucose or acetone; hypodermic syringes and needles when 45136
used by diabetics for insulin injections; epoetin alfa when 45137
purchased for use in the treatment of persons with medical 45138
disease; hospital beds when purchased by hospitals, nursing homes, 45139
or other medical facilities; and medical oxygen and medical 45140
oxygen-dispensing equipment when purchased by hospitals, nursing 45141
homes, or other medical facilities; 45142

(19) Sales of prosthetic devices, durable medical equipment 45143
for home use, or mobility enhancing equipment, when made pursuant 45144
to a prescription and when such devices or equipment are for use 45145
by a human being. 45146

(20) Sales of emergency and fire protection vehicles and 45147
equipment to nonprofit organizations for use solely in providing 45148
fire protection and emergency services, including trauma care and 45149
emergency medical services, for political subdivisions of the 45150
state; 45151

(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state ~~upon the presentation of an affidavit executed in this state by the nonresident purchaser affirming that the purchaser is a nonresident of this state, that possession of the motor vehicle is taken in this state for the sole purpose of immediately removing it from this state, that the motor vehicle will be permanently titled and registered in another state, and that the motor vehicle will not be used in this state~~ under the circumstances described in division (B) of section 5739.029 of the Revised Code;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages"

includes containers, cases, baskets, flats, fillers, filler flats, 45184
cartons, closure materials, labels, and labeling materials, and 45185
"packaging" means placing therein. 45186

(25)(a) Sales of water to a consumer for residential use, 45187
except the sale of bottled water, distilled water, mineral water, 45188
carbonated water, or ice; 45189

(b) Sales of water by a nonprofit corporation engaged 45190
exclusively in the treatment, distribution, and sale of water to 45191
consumers, if such water is delivered to consumers through pipes 45192
or tubing. 45193

(26) Fees charged for inspection or reinspection of motor 45194
vehicles under section 3704.14 of the Revised Code; 45195

(27) Sales to persons licensed to conduct a food service 45196
operation pursuant to section 3717.43 of the Revised Code, of 45197
tangible personal property primarily used directly for the 45198
following: 45199

(a) To prepare food for human consumption for sale; 45200

(b) To preserve food that has been or will be prepared for 45201
human consumption for sale by the food service operator, not 45202
including tangible personal property used to display food for 45203
selection by the consumer; 45204

(c) To clean tangible personal property used to prepare or 45205
serve food for human consumption for sale. 45206

(28) Sales of animals by nonprofit animal adoption services 45207
or county humane societies; 45208

(29) Sales of services to a corporation described in division 45209
(A) of section 5709.72 of the Revised Code, and sales of tangible 45210
personal property that qualifies for exemption from taxation under 45211
section 5709.72 of the Revised Code; 45212

(30) Sales and installation of agricultural land tile, as 45213

defined in division (B)(5)(a) of section 5739.01 of the Revised Code; 45214
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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; 45216
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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; 45219
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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; 45225
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(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service. 45230
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(35)(a) Sales where the purpose of the consumer is to use or 45245
consume the things transferred in making retail sales and 45246
consisting of newspaper inserts, catalogues, coupons, flyers, gift 45247
certificates, or other advertising material that prices and 45248
describes tangible personal property offered for retail sale. 45249

(b) Sales to direct marketing vendors of preliminary 45250
materials such as photographs, artwork, and typesetting that will 45251
be used in printing advertising material; of printed matter that 45252
offers free merchandise or chances to win sweepstake prizes and 45253
that is mailed to potential customers with advertising material 45254
described in division (B)(35)(a) of this section; and of equipment 45255
such as telephones, computers, facsimile machines, and similar 45256
tangible personal property primarily used to accept orders for 45257
direct marketing retail sales. 45258

(c) Sales of automatic food vending machines that preserve 45259
food with a shelf life of forty-five days or less by refrigeration 45260
and dispense it to the consumer. 45261

For purposes of division (B)(35) of this section, "direct 45262
marketing" means the method of selling where consumers order 45263
tangible personal property by United States mail, delivery 45264
service, or telecommunication and the vendor delivers or ships the 45265
tangible personal property sold to the consumer from a warehouse, 45266
catalogue distribution center, or similar fulfillment facility by 45267
means of the United States mail, delivery service, or common 45268
carrier. 45269

(36) Sales to a person engaged in the business of 45270
horticulture or producing livestock of materials to be 45271
incorporated into a horticulture structure or livestock structure; 45272

(37) Sales of personal computers, computer monitors, computer 45273
keyboards, modems, and other peripheral computer equipment to an 45274
individual who is licensed or certified to teach in an elementary 45275

or a secondary school in this state for use by that individual in	45276
preparation for teaching elementary or secondary school students;	45277
(38) Sales to a professional racing team of any of the	45278
following:	45279
(a) Motor racing vehicles;	45280
(b) Repair services for motor racing vehicles;	45281
(c) Items of property that are attached to or incorporated in	45282
motor racing vehicles, including engines, chassis, and all other	45283
components of the vehicles, and all spare, replacement, and	45284
rebuilt parts or components of the vehicles; except not including	45285
tires, consumable fluids, paint, and accessories consisting of	45286
instrumentation sensors and related items added to the vehicle to	45287
collect and transmit data by means of telemetry and other forms of	45288
communication.	45289
(39) Sales of used manufactured homes and used mobile homes,	45290
as defined in section 5739.0210 of the Revised Code, made on or	45291
after January 1, 2000;	45292
(40) Sales of tangible personal property and services to a	45293
provider of electricity used or consumed directly and primarily in	45294
generating, transmitting, or distributing electricity for use by	45295
others, including property that is or is to be incorporated into	45296
and will become a part of the consumer's production, transmission,	45297
or distribution system and that retains its classification as	45298
tangible personal property after incorporation; fuel or power used	45299
in the production, transmission, or distribution of electricity;	45300
and tangible personal property and services used in the repair and	45301
maintenance of the production, transmission, or distribution	45302
system, including only those motor vehicles as are specially	45303
designed and equipped for such use. The exemption provided in this	45304
division shall be in lieu of all other exemptions in division	45305
(B)(42)(a) of this section to which a provider of electricity may	45306

otherwise be entitled based on the use of the tangible personal 45307
property or service purchased in generating, transmitting, or 45308
distributing electricity. 45309

(41) Sales to a person providing services under division 45310
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 45311
personal property and services used directly and primarily in 45312
providing taxable services under that section. 45313

(42) Sales where the purpose of the purchaser is to do any of 45314
the following: 45315

(a) To incorporate the thing transferred as a material or a 45316
part into tangible personal property to be produced for sale by 45317
manufacturing, assembling, processing, or refining; or to use or 45318
consume the thing transferred directly in producing tangible 45319
personal property for sale by mining, including, without 45320
limitation, the extraction from the earth of all substances that 45321
are classed geologically as minerals, production of crude oil and 45322
natural gas, farming, agriculture, horticulture, or floriculture, 45323
or directly in the rendition of a public utility service, except 45324
that the sales tax levied by this section shall be collected upon 45325
all meals, drinks, and food for human consumption sold when 45326
transporting persons. Persons engaged in rendering farming, 45327
agricultural, horticultural, or floricultural services, and 45328
services in the exploration for, and production of, crude oil and 45329
natural gas, for others are deemed engaged directly in farming, 45330
agriculture, horticulture, and floriculture, or exploration for, 45331
and production of, crude oil and natural gas. This paragraph does 45332
not exempt from "retail sale" or "sales at retail" the sale of 45333
tangible personal property that is to be incorporated into a 45334
structure or improvement to real property. 45335

(b) To hold the thing transferred as security for the 45336
performance of an obligation of the vendor; 45337

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	45338 45339
(d) To use or consume the thing directly in commercial fishing;	45340 45341
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	45342 45343 45344 45345
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	45346 45347 45348 45349 45350
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	45351 45352 45353
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	45354 45355 45356 45357 45358 45359
(i) To use the thing transferred as qualified research and development equipment;	45360 45361
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or	45362 45363 45364 45365 45366 45367 45368

by means of direct marketing. This division does not apply to 45369
motor vehicles registered for operation on the public highways. As 45370
used in this division, "affiliated group" has the same meaning as 45371
in division (B)(3)(e) of section 5739.01 of the Revised Code and 45372
"direct marketing" has the same meaning as in division (B)(35) of 45373
this section. 45374

(k) To use or consume the thing transferred to fulfill a 45375
contractual obligation incurred by a warrantor pursuant to a 45376
warranty provided as a part of the price of the tangible personal 45377
property sold or by a vendor of a warranty, maintenance or service 45378
contract, or similar agreement the provision of which is defined 45379
as a sale under division (B)(7) of section 5739.01 of the Revised 45380
Code; 45381

(l) To use or consume the thing transferred in the production 45382
of a newspaper for distribution to the public; 45383

(m) To use tangible personal property to perform a service 45384
listed in division (B)(3) of section 5739.01 of the Revised Code, 45385
if the property is or is to be permanently transferred to the 45386
consumer of the service as an integral part of the performance of 45387
the service. 45388

As used in division (B)(42) of this section, "thing" includes 45389
all transactions included in divisions (B)(3)(a), (b), and (e) of 45390
section 5739.01 of the Revised Code. 45391

(43) Sales conducted through a coin operated device that 45392
activates vacuum equipment or equipment that dispenses water, 45393
whether or not in combination with soap or other cleaning agents 45394
or wax, to the consumer for the consumer's use on the premises in 45395
washing, cleaning, or waxing a motor vehicle, provided no other 45396
personal property or personal service is provided as part of the 45397
transaction. 45398

(44) Sales of replacement and modification parts for engines, 45399

airframes, instruments, and interiors in, and paint for, aircraft 45400
used primarily in a fractional aircraft ownership program, and 45401
sales of services for the repair, modification, and maintenance of 45402
such aircraft, and machinery, equipment, and supplies primarily 45403
used to provide those services. 45404

(45) Sales of telecommunications service that is used 45405
directly and primarily to perform the functions of a call center. 45406
As used in this division, "call center" means any physical 45407
location where telephone calls are placed or received in high 45408
volume for the purpose of making sales, marketing, customer 45409
service, technical support, or other specialized business 45410
activity, and that employs at least fifty individuals that engage 45411
in call center activities on a full-time basis, or sufficient 45412
individuals to fill fifty full-time equivalent positions. 45413

(46) Sales by a telecommunications service vendor of 900 45414
service to a subscriber. This division does not apply to 45415
information services, as defined in division (FF) of section 45416
5739.01 of the Revised Code. 45417

(47) Sales of value-added non-voice data service. This 45418
division does not apply to any similar service that is not 45419
otherwise a telecommunications service. 45420

(C) For the purpose of the proper administration of this 45421
chapter, and to prevent the evasion of the tax, it is presumed 45422
that all sales made in this state are subject to the tax until the 45423
contrary is established. 45424

(D) The levy of this tax on retail sales of recreation and 45425
sports club service shall not prevent a municipal corporation from 45426
levying any tax on recreation and sports club dues or on any 45427
income generated by recreation and sports club dues. 45428

(E) The tax collected by the vendor from the consumer under 45429
this chapter is not part of the price, but is a tax collection for 45430

the benefit of the state, and of counties levying an additional 45431
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 45432
Code and of transit authorities levying an additional sales tax 45433
pursuant to section 5739.023 of the Revised Code. Except for the 45434
discount authorized under section 5739.12 of the Revised Code and 45435
the effects of any rounding pursuant to section 5703.055 of the 45436
Revised Code, no person other than the state or such a county or 45437
transit authority shall derive any benefit from the collection or 45438
payment of the tax levied by this section or section 5739.021, 45439
5739.023, or 5739.026 of the Revised Code. 45440

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 45441
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 45442
5741.023 of the Revised Code, and except as otherwise provided in 45443
division (B) of this section, the tax due under this chapter on 45444
the sale of a motor vehicle required to be titled under Chapter 45445
4505. of the Revised Code by a motor vehicle dealer to a consumer 45446
that is a nonresident of this state shall be the sum of the tax 45447
levied under section 5739.02 of the Revised Code and the lowest 45448
total rate of tax levied by any county or transit authority under 45449
sections 5741.021, 5741.022, and 5741.023 of the Revised Code, but 45450
not to exceed six per cent, if all of the following apply: 45451

(1) The consumer intends to immediately remove the motor 45452
vehicle from this state for use outside this state; 45453

(2) Upon removal of the motor vehicle from this state, the 45454
consumer intends to title or register the vehicle in another state 45455
if such titling or registration is required; 45456

(3) The consumer executes an affidavit as required under 45457
division (C) of this section affirming the consumer's intentions 45458
under divisions (A)(1) and (2) of this section. 45459

(B) No tax is due under this section, any other section of 45460
this chapter, or Chapter 5741. of the Revised Code on a sale 45461

described under division (A) of this section if the state in which 45462
the consumer titles or registers the motor vehicle or to which the 45463
consumer removes the vehicle for use does not impose a use tax or 45464
similar excise tax on the ownership or use of motor vehicles or 45465
imposes such a tax but does not grant a credit against that tax 45466
for sales or use tax paid to this state. 45467

(C) Any nonresident consumer that purchases a motor vehicle 45468
from a motor vehicle dealer in this state under the circumstances 45469
described in divisions (A)(1) and (2) of this section shall 45470
execute an affidavit affirming the intentions described in those 45471
divisions. The affidavit shall be executed in triplicate and in 45472
the form specified by the tax commissioner. The affidavit shall be 45473
given to the motor vehicle dealer. 45474

A motor vehicle dealer that accepts in good faith an 45475
affidavit presented under this division by a nonresident consumer 45476
may rely upon the representations made in the affidavit. 45477

(D) A motor vehicle dealer making a sale subject to the tax 45478
under division (A) of this section shall collect the tax due 45479
unless the sale is subject to the exception under division (B) of 45480
this section. In the case of any sale, the dealer shall retain one 45481
copy of the affidavit and file the original and the other copy 45482
with the clerk of the court of common pleas. If tax is due under 45483
division (A) of this section, the dealer shall remit the tax 45484
collected to the clerk at the time the dealer obtains the Ohio 45485
certificate of title in the name of the consumer as required under 45486
section 4505.06 of the Revised Code. The clerk shall forward the 45487
original affidavit to the tax commissioner in the manner 45488
prescribed by the commissioner. 45489

Upon receipt of an application for certificate of title 45490
accompanied by an affidavit required by division (C) of this 45491
section, a clerk of the court of common pleas shall collect the 45492
sales tax due under division (A) of this section. The clerk shall 45493

remit the tax collected to the tax commissioner in the manner 45494
prescribed by the commissioner. 45495

(E) If a motor vehicle is purchased by a corporation 45496
described in division (B)(6) of section 5739.01 of the Revised 45497
Code, the state of residence of the consumer for the purposes of 45498
this section is the state of residence of the corporation's 45499
principal shareholder. 45500

(F) Any provision of this chapter or of Chapter 5741. of the 45501
Revised Code that is not inconsistent with this section applies to 45502
sales described in division (A) of this section. 45503

(G) As used in this section, "state," except in reference to 45504
"this state," means any state, district, commonwealth, or 45505
territory of the United States. 45506

Sec. 5739.033. (A) Except as provided in division (B) of this 45507
section, divisions (C) to (I) of this section apply to sales made 45508
on and after May 1, 2006. Sales made before May 1, 2006, are 45509
subject to section 5739.035 of the Revised Code. On and after 45510
January 1, 2005, any vendor may irrevocably elect to comply with 45511
divisions (C) to (I) of this section for all of the vendor's sales 45512
and places of business in this state. 45513

The amount of tax due pursuant to sections 5739.02, 5739.021, 45514
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 45515
imposed pursuant to those sections at the sourcing location of the 45516
sale as determined under this section or, if applicable, under 45517
division (C) of section 5739.031 or section 5739.034 of the 45518
Revised Code, or at the situs of the sale as determined under 45519
section 5739.035 of the Revised Code. This section applies only to 45520
a vendor's or seller's obligation to collect and remit sales taxes 45521
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 45522
Revised Code or use taxes under section 5741.02, 5741.021, 45523
5741.022, or 5741.023 of the Revised Code. Division (A) of this 45524

section does not apply in determining the jurisdiction for which 45525
sellers are required to collect the use tax under section 5741.05 45526
of the Revised Code. This section does not affect the obligation 45527
of a consumer to remit use taxes on the storage, use, or other 45528
consumption of tangible personal property or on the benefit 45529
realized of any service provided, to the jurisdiction of that 45530
storage, use, or consumption, or benefit realized. 45531

(B)(1) As used in this division: 45532

(a) "Delivery sale" means the taxable sale of tangible 45533
personal property or a service that is received by a consumer, or 45534
a donee designated by the consumer, in a taxing jurisdiction that 45535
is not the taxing jurisdiction in which the vendor has a fixed 45536
place of business. 45537

(b) "Agreement" has the same meaning as in section 5740.01 of 45538
the Revised Code. 45539

(c) "Governing board" has the same meaning as in section 45540
5740.02 of the Revised Code. 45541

(2)(a) A vendor with total delivery sales in calendar year 45542
2005 that are less than thirty million dollars may continue to 45543
situate its sales under section 5739.035 of the Revised Code from 45544
May 1, 2006, through April 30, 2007, except that, if the tax 45545
commissioner does not enter a determination in the commissioner's 45546
journal under division (B)(2)(b) of this section, those dates 45547
shall be May 1, 2006, through December 31, 2007. 45548

(b) On or before February 1, 2007, the tax commissioner shall 45549
determine whether certified service provider services are being 45550
provided by the governing board of the streamlined sales and use 45551
tax agreement for all delivery sales. If the commissioner 45552
determines that such services are being so provided, the 45553
commissioner shall enter the determination in the commissioner's 45554
journal and shall provide notice of the determination on the 45555

department of taxation's official internet web site. If the 45556
commissioner makes such an entry in the journal, then a vendor 45557
with total delivery sales in calendar year 2006 that are less than 45558
five million dollars may continue to situs its sales under section 45559
5739.035 of the Revised Code from May 1, 2007, through December 45560
31, 2007. 45561

(3) Beginning January 1, 2008, all vendors shall source their 45562
sales under divisions (C) to (I) of this section. 45563

(4) Once a vendor has total delivery sales that exceed the 45564
dollar amount in division (B)(2)(a) or (b) of this section, the 45565
vendor shall source its sales under divisions (C) to (I) of this 45566
section and shall continue to source its sales under those 45567
divisions, regardless of the amount of the vendor's total delivery 45568
sales in future years. 45569

(C) Except for sales, other than leases, of titled motor 45570
vehicles, titled watercraft, or titled outboard motors as provided 45571
in ~~section~~ sections 5739.029 and 5741.05 of the Revised Code, or 45572
as otherwise provided in this section and section 5739.034 of the 45573
Revised Code, all sales shall be sourced as follows: 45574

(1) If the consumer or a donee designated by the consumer 45575
receives tangible personal property or a service at a vendor's 45576
place of business, the sale shall be sourced to that place of 45577
business. 45578

(2) When the tangible personal property or service is not 45579
received at a vendor's place of business, the sale shall be 45580
sourced to the location known to the vendor where the consumer or 45581
the donee designated by the consumer receives the tangible 45582
personal property or service, including the location indicated by 45583
instructions for delivery to the consumer or the consumer's donee. 45584

(3) If divisions (C)(1) and (2) of this section do not apply, 45585
the sale shall be sourced to the location indicated by an address 45586

for the consumer that is available from the vendor's business 45587
records that are maintained in the ordinary course of the vendor's 45588
business, when use of that address does not constitute bad faith. 45589

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(4) If divisions (C)(1), (2), and (3) of this section do not 45591
apply, the sale shall be sourced to the location indicated by an 45592
address for the consumer obtained during the consummation of the 45593
sale, including the address associated with the consumer's payment 45594
instrument, if no other address is available, when use of that 45595
address does not constitute bad faith. 45596

(5) If divisions (C)(1), (2), (3), and (4) of this section do 45597
not apply, including in the circumstance where the vendor is 45598
without sufficient information to apply any of those divisions, 45599
the sale shall be sourced to the address from which tangible 45600
personal property was shipped, or from which the service was 45601
provided, disregarding any location that merely provided the 45602
electronic transfer of the property sold or service provided. 45603

(6) As used in division (C) of this section, "receive" means 45604
taking possession of tangible personal property or making first 45605
use of a service. "Receive" does not include possession by a 45606
shipping company on behalf of a consumer. 45607

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 45608
section, a business consumer that is not a holder of a direct 45609
payment permit granted under section 5739.031 of the Revised Code, 45610
that purchases a digital good, computer software, except computer 45611
software received in person by a business consumer at a vendor's 45612
place of business, or a service, and that knows at the time of 45613
purchase that such digital good, software, or service will be 45614
concurrently available for use in more than one taxing 45615
jurisdiction shall deliver to the vendor in conjunction with its 45616
purchase an exemption certificate claiming multiple points of use, 45617
or shall meet the requirements of division (D)(2) of this section. 45618

On receipt of the exemption certificate claiming multiple points 45619
of use, the vendor is relieved of its obligation to collect, pay, 45620
or remit the tax due, and the business consumer must pay the tax 45621
directly to the state. 45622

(b) A business consumer that delivers the exemption 45623
certificate claiming multiple points of use to a vendor may use 45624
any reasonable, consistent, and uniform method of apportioning the 45625
tax due on the digital good, computer software, or service that is 45626
supported by the consumer's business records as they existed at 45627
the time of the sale. The business consumer shall report and pay 45628
the appropriate tax to each jurisdiction where concurrent use 45629
occurs. The tax due shall be calculated as if the apportioned 45630
amount of the digital good, computer software, or service had been 45631
delivered to each jurisdiction to which the sale is apportioned 45632
under this division. 45633

(c) The exemption certificate claiming multiple points of use 45634
shall remain in effect for all future sales by the vendor to the 45635
business consumer until it is revoked in writing by the business 45636
consumer, except as to the business consumer's specific 45637
apportionment of a subsequent sale under division (D)(1)(b) of 45638
this section and the facts existing at the time of the sale. 45639

(2) When the vendor knows that a digital good, computer 45640
software, or service sold will be concurrently available for use 45641
by the business consumer in more than one jurisdiction, but the 45642
business consumer does not provide an exemption certificate 45643
claiming multiple points of use as required by division (D)(1) of 45644
this section, the vendor may work with the business consumer to 45645
produce the correct apportionment. Governed by the principles of 45646
division (D)(1)(b) of this section, the vendor and business 45647
consumer may use any reasonable, but consistent and uniform, 45648
method of apportionment that is supported by the vendor's and 45649
business consumer's books and records as they exist at the time 45650

the sale is reported for purposes of the taxes levied under this 45651
chapter. If the business consumer certifies to the accuracy of the 45652
apportionment and the vendor accepts the certification, the vendor 45653
shall collect and remit the tax accordingly. In the absence of bad 45654
faith, the vendor is relieved of any further obligation to collect 45655
tax on any transaction where the vendor has collected tax pursuant 45656
to the information certified by the business consumer. 45657

(3) When the vendor knows that the digital good, computer 45658
software, or service will be concurrently available for use in 45659
more than one jurisdiction, and the business consumer does not 45660
have a direct pay permit and does not provide to the vendor an 45661
exemption certificate claiming multiple points of use as required 45662
in division (D)(1) of this section, or certification pursuant to 45663
division (D)(2) of this section, the vendor shall collect and 45664
remit the tax based on division (C) of this section. 45665

(4) Nothing in this section shall limit a person's obligation 45666
for sales or use tax to any state in which a digital good, 45667
computer software, or service is concurrently available for use, 45668
nor limit a person's ability under local, state, or federal law, 45669
to claim a credit for sales or use taxes legally due and paid to 45670
other jurisdictions. 45671

(E) A person who holds a direct payment permit issued under 45672
section 5739.031 of the Revised Code is not required to deliver an 45673
exemption certificate claiming multiple points of use to a vendor. 45674
But such permit holder shall comply with division (D)(2) of this 45675
section in apportioning the tax due on a digital good, computer 45676
software, or a service for use in business that will be 45677
concurrently available for use in more than one taxing 45678
jurisdiction. 45679

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 45680
section, the consumer of direct mail that is not a holder of a 45681
direct payment permit shall provide to the vendor in conjunction 45682

with the sale either an exemption certificate claiming direct mail 45683
prescribed by the tax commissioner, or information to show the 45684
jurisdictions to which the direct mail is delivered to recipients. 45685

(2) Upon receipt of such exemption certificate, the vendor is 45686
relieved of all obligations to collect, pay, or remit the 45687
applicable tax and the consumer is obligated to pay that tax on a 45688
direct pay basis. An exemption certificate claiming direct mail 45689
shall remain in effect for all future sales of direct mail by the 45690
vendor to the consumer until it is revoked in writing. 45691

(3) Upon receipt of information from the consumer showing the 45692
jurisdictions to which the direct mail is delivered to recipients, 45693
the vendor shall collect the tax according to the delivery 45694
information provided by the consumer. In the absence of bad faith, 45695
the vendor is relieved of any further obligation to collect tax on 45696
any transaction where the vendor has collected tax pursuant to the 45697
delivery information provided by the consumer. 45698

(4) If the consumer of direct mail does not have a direct 45699
payment permit and does not provide the vendor with either an 45700
exemption certificate claiming direct mail or delivery information 45701
as required by division (F)(1) of this section, the vendor shall 45702
collect the tax according to division (C)(5) of this section. 45703
Nothing in division (F)(4) of this section shall limit a 45704
consumer's obligation to pay sales or use tax to any state to 45705
which the direct mail is delivered. 45706

(5) If a consumer of direct mail provides the vendor with 45707
documentation of direct payment authority, the consumer shall not 45708
be required to provide an exemption certificate claiming direct 45709
mail or delivery information to the vendor. 45710

(G) If the vendor provides lodging to transient guests as 45711
specified in division (B)(2) of section 5739.01 of the Revised 45712
Code, the sale shall be sourced to the location where the lodging 45713

is located. 45714

(H)(1) As used in this division and division (I) of this 45715
section, "transportation equipment" means any of the following: 45716

(a) Locomotives and railcars that are utilized for the 45717
carriage of persons or property in interstate commerce. 45718

(b) Trucks and truck-tractors with a gross vehicle weight 45719
rating of greater than ten thousand pounds, trailers, 45720
semi-trailers, or passenger buses that are registered through the 45721
international registration plan and are operated under authority 45722
of a carrier authorized and certificated by the United States 45723
department of transportation or another federal authority to 45724
engage in the carriage of persons or property in interstate 45725
commerce. 45726

(c) Aircraft that are operated by air carriers authorized and 45727
certificated by the United States department of transportation or 45728
another federal authority to engage in the carriage of persons or 45729
property in interstate or foreign commerce. 45730

(d) Containers designed for use on and component parts 45731
attached to or secured on the items set forth in division 45732
(H)(1)(a), (b), or (c) of this section. 45733

(2) A sale, lease, or rental of transportation equipment 45734
shall be sourced pursuant to division (C) of this section. 45735

(I)(1) A lease or rental of tangible personal property that 45736
does not require recurring periodic payments shall be sourced 45737
pursuant to division (C) of this section. 45738

(2) A lease or rental of tangible personal property that 45739
requires recurring periodic payments shall be sourced as follows: 45740

(a) In the case of a motor vehicle, other than a motor 45741
vehicle that is transportation equipment, or an aircraft, other 45742
than an aircraft that is transportation equipment, such lease or 45743

rental shall be sourced as follows: 45744

(i) An accelerated tax payment on a lease or rental taxed 45745
pursuant to division (A)(2) of section 5739.02 of the Revised Code 45746
shall be sourced to the primary property location at the time the 45747
lease or rental is consummated. Any subsequent taxable charges on 45748
the lease or rental shall be sourced to the primary property 45749
location for the period in which the charges are incurred. 45750

(ii) For a lease or rental taxed pursuant to division (A)(3) 45751
of section 5739.02 of the Revised Code, each lease or rental 45752
installment shall be sourced to the primary property location for 45753
the period covered by the installment. 45754

(b) In the case of a lease or rental of all other tangible 45755
personal property, other than transportation equipment, such lease 45756
or rental shall be sourced as follows: 45757

(i) An accelerated tax payment on a lease or rental that is 45758
taxed pursuant to division (A)(2) of section 5739.02 of the 45759
Revised Code shall be sourced pursuant to division (C) of this 45760
section at the time the lease or rental is consummated. Any 45761
subsequent taxable charges on the lease or rental shall be sourced 45762
to the primary property location for the period in which the 45763
charges are incurred. 45764

(ii) For a lease or rental that is taxed pursuant to division 45765
(A)(3) of section 5739.02 of the Revised Code, the initial lease 45766
or rental installment shall be sourced pursuant to division (C) of 45767
this section. Each subsequent installment shall be sourced to the 45768
primary property location for the period covered by the 45769
installment. 45770

(3) As used in division (I) of this section, "primary 45771
property location" means an address for tangible personal property 45772
provided by the lessee or renter that is available to the lessor 45773
or owner from its records maintained in the ordinary course of 45774

business, when use of that address does not constitute bad faith. 45775

Sec. 5739.12. (A) Each person who has or is required to have 45776
a vendor's license, on or before the twenty-third day of each 45777
month, shall make and file a return for the preceding month, on 45778
forms prescribed by the tax commissioner, and shall pay the tax 45779
shown on the return to be due. The commissioner may require a 45780
vendor that operates from multiple locations or has multiple 45781
vendor's licenses to report all tax liabilities on one 45782
consolidated return. The return shall show the amount of tax due 45783
from the vendor to the state for the period covered by the return 45784
and such other information as the commissioner deems necessary for 45785
the proper administration of this chapter. The commissioner may 45786
extend the time for making and filing returns and paying the tax, 45787
and may require that the return for the last month of any annual 45788
or semiannual period, as determined by the commissioner, be a 45789
reconciliation return detailing the vendor's sales activity for 45790
the preceding annual or semiannual period. The reconciliation 45791
return shall be filed by the last day of the month following the 45792
last month of the annual or semiannual period. The commissioner 45793
may remit all or any part of amounts or penalties that may become 45794
due under this chapter and may adopt rules relating thereto. Such 45795
return shall be filed by mailing it to the tax commissioner, 45796
together with payment of the amount of tax shown to be due thereon 45797
after deduction of any discount provided for under this section. 45798
Remittance shall be made payable to the treasurer of state. The 45799
return shall be considered filed when received by the tax 45800
commissioner, and the payment shall be considered made when 45801
received by the tax commissioner or when credited to an account 45802
designated by the treasurer of state or the tax commissioner. 45803

(B)(1) If the return is filed and the amount of tax shown 45804
thereon to be due is paid on or before the date such return is 45805
required to be filed, the vendor shall be entitled to ~~the~~ 45806

following a discount of: 45807

~~(1)(a)~~ On and after July 1, 2005, and on and before ~~June 30~~ 45808
July 31, 2007, nine-tenths of one per cent of the amount shown to 45809
be due on the return; 45810

~~(2)(b)~~ On and after ~~July~~ August 1, 2007, ~~three fourths~~ of one 45811
per cent of the amount shown to be due on the return, provided 45812
that the maximum discount allowable on any return shall be thirty 45813
dollars. 45814

(2) A vendor that has selected a certified service provider 45815
as its agent shall not be entitled to the discount if the 45816
certified service provider receives a monetary allowance pursuant 45817
to section 5739.06 of the Revised Code for performing the vendor's 45818
sales and use tax functions in this state. Amounts paid to the 45819
clerk of courts pursuant to section 4505.06 of the Revised Code 45820
shall be subject to the applicable discount. The discount shall be 45821
in consideration for prompt payment to the clerk of courts and for 45822
other services performed by the vendor in the collection of the 45823
tax. 45824

(3) Vendors of watercraft or outboard motors required to be 45825
titled under section 1548.06 of the Revised Code, dealers of motor 45826
vehicles required to be titled under section 4505.06 of the 45827
Revised Code, and dealers of off-highway motorcycles or 45828
all-purpose vehicles required to be titled under section 4519.55 45829
of the Revised Code that submit to the clerk of the court of 45830
common pleas payment of the tax collected on sales of watercraft, 45831
outboard motors, motor vehicles, off-highway motorcycles, or 45832
all-purpose vehicles may, when computing the discount provided for 45833
in division (B)(1) of this section, include those sales on the 45834
return for the period in which the sales were made. If the tax 45835
reported to be due on the return is less than the discount allowed 45836
under this section, the vendor or dealer may file a claim for 45837
refund of any unused discount in the manner provided in section 45838

5739.07 of the Revised Code, provided that such refund claims may 45839
not be filed more frequently than twice per year by a vendor or 45840
dealer. 45841

(C)(1) Upon application to the commissioner, a vendor who is 45842
required to file monthly returns may be relieved of the 45843
requirement to report and pay the actual tax due, provided that 45844
the vendor agrees to remit to the tax commissioner payment of not 45845
less than an amount determined by the commissioner to be the 45846
average monthly tax liability of the vendor, based upon a review 45847
of the returns or other information pertaining to such vendor for 45848
a period of not less than six months nor more than two years 45849
immediately preceding the filing of the application. Vendors who 45850
agree to the above conditions shall make and file an annual or 45851
semiannual reconciliation return, as prescribed by the 45852
commissioner. The reconciliation return shall be filed by mailing 45853
or delivering it to the tax commissioner, together with payment of 45854
the amount of tax shown to be due thereon after deduction of any 45855
discount provided in this section. Remittance shall be made 45856
payable to the treasurer of state. Failure of a vendor to comply 45857
with any of the above conditions may result in immediate 45858
reinstatement of the requirement of reporting and paying the 45859
actual tax liability on each monthly return, and the commissioner 45860
may at the commissioner's discretion deny the vendor the right to 45861
report and pay based upon the average monthly liability for a 45862
period not to exceed two years. The amount ascertained by the 45863
commissioner to be the average monthly tax liability of a vendor 45864
may be adjusted, based upon a review of the returns or other 45865
information pertaining to the vendor for a period of not less than 45866
six months nor more than two years preceding such adjustment. 45867

(2) The commissioner may authorize vendors whose tax 45868
liability is not such as to merit monthly returns, as ascertained 45869
by the commissioner upon the basis of administrative costs to the 45870

state, to make and file returns at less frequent intervals. When 45871
returns are filed at less frequent intervals in accordance with 45872
such authorization, the vendor shall be allowed the discount 45873
provided in this section in consideration for prompt payment with 45874
the return, provided the return is filed together with payment of 45875
the amount of tax shown to be due thereon, at the time specified 45876
by the commissioner, but a vendor that has selected a certified 45877
service provider as its agent shall not be entitled to the 45878
discount. 45879

(D) Any vendor who fails to file a return or pay the full 45880
amount of the tax shown on the return to be due under this section 45881
and the rules of the commissioner may, for each such return the 45882
vendor fails to file or each such tax the vendor fails to pay in 45883
full as shown on the return within the period prescribed by this 45884
section and the rules of the commissioner, be required to forfeit 45885
and pay into the state treasury an additional charge not exceeding 45886
fifty dollars or ten per cent of the tax required to be paid for 45887
the reporting period, whichever is greater, as revenue arising 45888
from the tax imposed by this chapter, and such sum may be 45889
collected by assessment in the manner provided in section 5739.13 45890
of the Revised Code. The commissioner may remit all or a portion 45891
of the additional charge and may adopt rules relating to the 45892
imposition and remission of the additional charge. 45893

(E) If the amount required to be collected by a vendor from 45894
consumers is in excess of the applicable percentage of the 45895
vendor's receipts from sales that are taxable under section 45896
5739.02 of the Revised Code, or in the case of sales subject to a 45897
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 45898
the Revised Code, in excess of the percentage equal to the 45899
aggregate rate of such taxes and the tax levied by section 5739.02 45900
of the Revised Code, such excess shall be remitted along with the 45901
remittance of the amount of tax due under section 5739.10 of the 45902

Revised Code. 45903

(F) The commissioner, if the commissioner deems it necessary 45904
in order to insure the payment of the tax imposed by this chapter, 45905
may require returns and payments to be made for other than monthly 45906
periods. The returns shall be signed by the vendor or the vendor's 45907
authorized agent. 45908

(G) Any vendor required to file a return and pay the tax 45909
under this section, whose total payment equals or exceeds the 45910
amount shown in division (A) of section 5739.122 of the Revised 45911
Code, shall make each payment required by this section in the 45912
second ensuing and each succeeding year by electronic funds 45913
transfer as prescribed by, and on or before the dates specified 45914
in, section 5739.122 of the Revised Code, except as otherwise 45915
prescribed by that section. For a vendor that operates from 45916
multiple locations or has multiple vendor's licenses, in 45917
determining whether the vendor's total payment equals or exceeds 45918
the amount shown in division (A) of that section, the vendor's 45919
total payment amount shall be the amount of the vendor's total tax 45920
liability for the previous calendar year for all of the vendor's 45921
locations or licenses. 45922

Sec. 5739.21. (A) ~~Four and two tenths~~ One hundred per cent of 45923
all money deposited into the state treasury under sections 5739.01 45924
to 5739.31 of the Revised Code and not required to be distributed 45925
as provided in section 5739.102 of the Revised Code or division 45926
(B) of this section shall be credited to ~~the local government fund~~ 45927
~~for distribution in accordance with section 5747.50 of the Revised~~ 45928
~~Code, six tenths of one per cent shall be credited to the local~~ 45929
~~government revenue assistance fund for distribution in accordance~~ 45930
~~with section 5747.61 of the Revised Code, and ninety five and~~ 45931
~~two tenths per cent shall be credited to the general revenue fund.~~ 45932
45933

(B)(1) In any case where any county or transit authority has levied a tax or taxes pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, the tax commissioner shall, within forty-five days after the end of each month, determine and certify to the director of budget and management the amount of the proceeds of such tax or taxes received during that month from billings and assessments, or associated with tax returns or reports filed during that month, to be returned to the county or transit authority levying the tax or taxes. The amount to be returned to each county and transit authority shall be a fraction of the aggregate amount of money collected with respect to each area in which one or more of such taxes are concurrently in effect with the tax levied by section 5739.02 of the Revised Code. The numerator of the fraction is the rate of the tax levied by the county or transit authority and the denominator of the fraction is the aggregate rate of such taxes applicable to such area. The amount to be returned to each county or transit authority shall be reduced by the amount of any refunds of county or transit authority tax paid pursuant to section 5739.07 of the Revised Code during the same month, or transfers made pursuant to division (B)(2) of section 5703.052 of the Revised Code.

(2) On a periodic basis, using the best information available, the tax commissioner shall distribute any amount of a county or transit authority tax that cannot be distributed under division (B)(1) of this section. Through audit or other means, the commissioner shall attempt to obtain the information necessary to make the distribution as provided under that division and, on receipt of that information, shall make adjustments to distributions previously made under this division.

(C) The aggregate amount to be returned to any county or transit authority shall be reduced by one per cent, which shall be certified directly to the credit of the local sales tax

administrative fund, which is hereby created in the state 45966
treasury. For the purpose of determining the amount to be returned 45967
to a county and transit authority in which the rate of tax imposed 45968
by the transit authority has been reduced under section 5739.028 45969
of the Revised Code, the tax commissioner shall use the respective 45970
rates of tax imposed by the county or transit authority that 45971
results from the change in the rates authorized under that 45972
section. 45973

(D) The director of budget and management shall transfer, 45974
from the same funds and in the same proportions specified in 45975
division (A) of this section, to the permissive tax distribution 45976
fund created by division (B)(1) of section 4301.423 of the Revised 45977
Code and to the local sales tax administrative fund, the amounts 45978
certified by the tax commissioner. The tax commissioner shall 45979
then, on or before the twentieth day of the month in which such 45980
certification is made, provide for payment of such respective 45981
amounts to the county treasurer and to the fiscal officer of the 45982
transit authority levying the tax or taxes. The amount transferred 45983
to the local sales tax administrative fund is for use by the tax 45984
commissioner in defraying costs incurred in administering such 45985
taxes levied by a county or transit authority. 45986

Sec. 5739.213. Notwithstanding section 5739.21 or 5741.03 of 45987
the Revised Code, the revenue collected from the tax due under 45988
section 5739.029 of the Revised Code from the rate in excess of 45989
the rate imposed under section 5739.02 of the Revised Code shall 45990
be distributed among all counties of this state as required by 45991
this section. The amount distributed to each county each year 45992
shall bear the same ratio to the amount of such revenue as the 45993
number of motor vehicle registrations in that county in the 45994
preceding calendar year bears to the total number of motor vehicle 45995
registrations in all counties in the preceding calendar year. The 45996
distribution shall be computed before the first day of May each 45997

year and applies to revenue collected from sales subject to the 45998
tax occurring between the first day of the preceding March through 45999
the last day of the following February. The amount to be so 46000
distributed to each county shall be credited to the funds of the 46001
county as provided by divisions (A) and (B) of section 5739.211 of 46002
the Revised Code in proportion to the rate of taxes apportioned to 46003
each such fund from levies under section 5739.021 or 5739.026 of 46004
the Revised Code. 46005

Sec. 5741.02. (A)(1) For the use of the general revenue fund 46006
of the state, an excise tax is hereby levied on the storage, use, 46007
or other consumption in this state of tangible personal property 46008
or the benefit realized in this state of any service provided. The 46009
tax shall be collected as provided in section 5739.025 of the 46010
Revised Code, provided that on and after July 1, 2003, and on or 46011
before June 30, 2005, the rate of the tax shall be six per cent. 46012
On and after July 1, 2005, the rate of the tax shall be five and 46013
one-half per cent. 46014

(2) In the case of the lease or rental, with a fixed term of 46015
more than thirty days or an indefinite term with a minimum period 46016
of more than thirty days, of any motor vehicles designed by the 46017
manufacturer to carry a load of not more than one ton, watercraft, 46018
outboard motor, or aircraft, or of any tangible personal property, 46019
other than motor vehicles designed by the manufacturer to carry a 46020
load of more than one ton, to be used by the lessee or renter 46021
primarily for business purposes, the tax shall be collected by the 46022
seller at the time the lease or rental is consummated and shall be 46023
calculated by the seller on the basis of the total amount to be 46024
paid by the lessee or renter under the lease or rental agreement. 46025
If the total amount of the consideration for the lease or rental 46026
includes amounts that are not calculated at the time the lease or 46027
rental is executed, the tax shall be calculated and collected by 46028

the seller at the time such amounts are billed to the lessee or 46029
renter. In the case of an open-end lease or rental, the tax shall 46030
be calculated by the seller on the basis of the total amount to be 46031
paid during the initial fixed term of the lease or rental, and for 46032
each subsequent renewal period as it comes due. As used in this 46033
division, "motor vehicle" has the same meaning as in section 46034
4501.01 of the Revised Code, and "watercraft" includes an outdrive 46035
unit attached to the watercraft. 46036

(3) Except as provided in division (A)(2) of this section, in 46037
the case of a transaction, the price of which consists in whole or 46038
part of the lease or rental of tangible personal property, the tax 46039
shall be measured by the installments of those leases or rentals. 46040

(B) Each consumer, storing, using, or otherwise consuming in 46041
this state tangible personal property or realizing in this state 46042
the benefit of any service provided, shall be liable for the tax, 46043
and such liability shall not be extinguished until the tax has 46044
been paid to this state; provided, that the consumer shall be 46045
relieved from further liability for the tax if the tax has been 46046
paid to a seller in accordance with section 5741.04 of the Revised 46047
Code or prepaid by the seller in accordance with section 5741.06 46048
of the Revised Code. 46049

(C) The tax does not apply to the storage, use, or 46050
consumption in this state of the following described tangible 46051
personal property or services, nor to the storage, use, or 46052
consumption or benefit in this state of tangible personal property 46053
or services purchased under the following described circumstances: 46054

(1) When the sale of property or service in this state is 46055
subject to the excise tax imposed by sections 5739.01 to 5739.31 46056
of the Revised Code, provided said tax has been paid; 46057

(2) Except as provided in division (D) of this section, 46058
tangible personal property or services, the acquisition of which, 46059

if made in Ohio, would be a sale not subject to the tax imposed by 46060
sections 5739.01 to 5739.31 of the Revised Code; 46061

(3) Property or services, the storage, use, or other 46062
consumption of or benefit from which this state is prohibited from 46063
taxing by the Constitution of the United States, laws of the 46064
United States, or the Constitution of this state. This exemption 46065
shall not exempt from the application of the tax imposed by this 46066
section the storage, use, or consumption of tangible personal 46067
property that was purchased in interstate commerce, but that has 46068
come to rest in this state, provided that fuel to be used or 46069
transported in carrying on interstate commerce that is stopped 46070
within this state pending transfer from one conveyance to another 46071
is exempt from the excise tax imposed by this section and section 46072
5739.02 of the Revised Code; 46073

(4) Transient use of tangible personal property in this state 46074
by a nonresident tourist or vacationer, or a nonbusiness use 46075
within this state by a nonresident of this state, if the property 46076
so used was purchased outside this state for use outside this 46077
state and is not required to be registered or licensed under the 46078
laws of this state; 46079

(5) Tangible personal property or services rendered, upon 46080
which taxes have been paid to another jurisdiction to the extent 46081
of the amount of the tax paid to such other jurisdiction. Where 46082
the amount of the tax imposed by this section and imposed pursuant 46083
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 46084
exceeds the amount paid to another jurisdiction, the difference 46085
shall be allocated between the tax imposed by this section and any 46086
tax imposed by a county or a transit authority pursuant to section 46087
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 46088
to the respective rates of such taxes. 46089

As used in this subdivision, "taxes paid to another 46090
jurisdiction" means the total amount of retail sales or use tax or 46091

similar tax based upon the sale, purchase, or use of tangible 46092
personal property or services rendered legally, levied by and paid 46093
to another state or political subdivision thereof, or to the 46094
District of Columbia, where the payment of such tax does not 46095
entitle the taxpayer to any refund or credit for such payment. 46096

(6) The transfer of a used manufactured home or used mobile 46097
home, as defined by section 5739.0210 of the Revised Code, made on 46098
or after January 1, 2000; 46099

(7) Drugs that are or are intended to be distributed free of 46100
charge to a practitioner licensed to prescribe, dispense, and 46101
administer drugs to a human being in the course of a professional 46102
practice and that by law may be dispensed only by or upon the 46103
order of such a practitioner. 46104

(8) Computer equipment and related software leased from a 46105
lessor located outside this state and initially received in this 46106
state on behalf of the consumer by a third party that will retain 46107
possession of such property for not more than ninety days and that 46108
will, within that ninety-day period, deliver such property to the 46109
consumer at a location outside this state. Division (C)(8) of this 46110
section does not provide exemption from taxation for any otherwise 46111
taxable charges associated with such property while it is in this 46112
state or for any subsequent storage, use, or consumption of such 46113
property in this state by or on behalf of the consumer. 46114

~~(9) Cigarettes that have a wholesale value of three hundred 46115
dollars or less used, stored, or consumed, but not for resale, in 46116
any month. 46117~~

~~(10) Tangible personal property held for sale by a person but 46118
not for that person's own use and donated by that person, without 46119
charge or other compensation, to either of the following: 46120~~

~~(a) A nonprofit organization operated exclusively for 46121
charitable purposes in this state, no part of the net income of 46122~~

which inures to the benefit of any private shareholder or 46123
individual and no substantial part of the activities of which 46124
consists of carrying on propaganda or otherwise attempting to 46125
influence legislation; or 46126

(b) This state or any political subdivision of this state, 46127
but only if donated for exclusively public purposes. 46128

For the purposes of division (C)~~(10)~~(9) of this section, 46129
"charitable purposes" has the same meaning as in division (B)(12) 46130
of section 5739.02 of the Revised Code. 46131

(D) The tax applies to the storage, use, or other consumption 46132
in this state of tangible personal property or services, the 46133
acquisition of which at the time of sale was excepted under 46134
division (E) of section 5739.01 of the Revised Code from the tax 46135
imposed by section 5739.02 of the Revised Code, but which has 46136
subsequently been temporarily or permanently stored, used, or 46137
otherwise consumed in a taxable manner. 46138

(E)(1)(a) If any transaction is claimed to be exempt under 46139
division (E) of section 5739.01 of the Revised Code or under 46140
section 5739.02 of the Revised Code, with the exception of 46141
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 46142
Code, the consumer shall provide to the seller, and the seller 46143
shall obtain from the consumer, a certificate specifying the 46144
reason that the transaction is not subject to the tax. The 46145
certificate shall be in such form, and shall be provided either in 46146
a hard copy form or electronic form, as the tax commissioner 46147
prescribes. 46148

(b) A seller that obtains a fully completed exemption 46149
certificate from a consumer is relieved of liability for 46150
collecting and remitting tax on any sale covered by that 46151
certificate. If it is determined the exemption was improperly 46152
claimed, the consumer shall be liable for any tax due on that sale 46153

under this chapter. Relief under this division from liability does 46154
not apply to any of the following: 46155

(i) A seller that fraudulently fails to collect tax; 46156

(ii) A seller that solicits consumers to participate in the 46157
unlawful claim of an exemption; 46158

(iii) A seller that accepts an exemption certificate from a 46159
consumer that claims an exemption based on who purchases or who 46160
sells property or a service, when the subject of the transaction 46161
sought to be covered by the exemption certificate is actually 46162
received by the consumer at a location operated by the seller in 46163
this state, and this state has posted to its website an exemption 46164
certificate form that clearly and affirmatively indicates that the 46165
claimed exemption is not available in this state; 46166

(iv) A seller that accepts an exemption certificate from a 46167
consumer who claims a multiple points of use exemption under 46168
division (D) of section 5739.033 of the Revised Code, if the item 46169
purchased is tangible personal property, other than prewritten 46170
computer software. 46171

(2) The seller shall maintain records, including exemption 46172
certificates, of all sales on which a consumer has claimed an 46173
exemption, and provide them to the tax commissioner on request. 46174

(3) If no certificate is provided or obtained within ninety 46175
days after the date on which the transaction is consummated, it 46176
shall be presumed that the tax applies. Failure to have so 46177
provided or obtained a certificate shall not preclude a seller, 46178
within one hundred twenty days after the tax commissioner gives 46179
written notice of intent to levy an assessment, from either 46180
establishing that the transaction is not subject to the tax, or 46181
obtaining, in good faith, a fully completed exemption certificate. 46182

(4) If a transaction is claimed to be exempt under division 46183
(B)(13) of section 5739.02 of the Revised Code, the contractor 46184

shall obtain certification of the claimed exemption from the 46185
contractee. This certification shall be in addition to an 46186
exemption certificate provided by the contractor to the seller. A 46187
contractee that provides a certification under this division shall 46188
be deemed to be the consumer of all items purchased by the 46189
contractor under the claim of exemption, if it is subsequently 46190
determined that the exemption is not properly claimed. The 46191
certification shall be in such form as the tax commissioner 46192
prescribes. 46193

(F) A seller who files a petition for reassessment contesting 46194
the assessment of tax on transactions for which the seller 46195
obtained no valid exemption certificates, and for which the seller 46196
failed to establish that the transactions were not subject to the 46197
tax during the one-hundred-twenty-day period allowed under 46198
division (E) of this section, may present to the tax commissioner 46199
additional evidence to prove that the transactions were exempt. 46200
The seller shall file such evidence within ninety days of the 46201
receipt by the seller of the notice of assessment, except that, 46202
upon application and for reasonable cause, the tax commissioner 46203
may extend the period for submitting such evidence thirty days. 46204

(G) For the purpose of the proper administration of sections 46205
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 46206
of the tax hereby levied, it shall be presumed that any use, 46207
storage, or other consumption of tangible personal property in 46208
this state is subject to the tax until the contrary is 46209
established. 46210

(H) The tax collected by the seller from the consumer under 46211
this chapter is not part of the price, but is a tax collection for 46212
the benefit of the state, and of counties levying an additional 46213
use tax pursuant to section 5741.021 or 5741.023 of the Revised 46214
Code and of transit authorities levying an additional use tax 46215
pursuant to section 5741.022 of the Revised Code. Except for the 46216

discount authorized under section 5741.12 of the Revised Code and 46217
the effects of any rounding pursuant to section 5703.055 of the 46218
Revised Code, no person other than the state or such a county or 46219
transit authority shall derive any benefit from the collection of 46220
such tax. 46221

Sec. 5741.03. (A) ~~Four and two tenths~~ One hundred per cent of 46222
all money deposited into the state treasury under sections 5741.01 46223
to 5741.22 of the Revised Code that is not required to be 46224
distributed as provided in division (B) of this section shall be 46225
credited to ~~the local government fund for distribution in~~ 46226
~~accordance with section 5747.50 of the Revised Code, six tenths of~~ 46227
~~one per cent shall be credited to the local government revenue~~ 46228
~~assistance fund for distribution in accordance with section~~ 46229
~~5747.61 of the Revised Code, and ninety five and two tenths per~~ 46230
~~cent shall be credited to the general revenue fund.~~ 46231

(B) In any case where any county or transit authority has 46232
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 46233
5741.023 of the Revised Code, the tax commissioner shall, within 46234
forty-five days after the end of each month, determine and certify 46235
to the director of budget and management the amount of the 46236
proceeds of such tax or taxes from billings and assessments 46237
received during that month, or shown on tax returns or reports 46238
filed during that month, to be returned to the county or transit 46239
authority levying the tax or taxes, which amounts shall be 46240
determined in the manner provided in section 5739.21 of the 46241
Revised Code. The director of budget and management shall 46242
transfer, from the same funds and in the same proportions 46243
specified in division (A) of this section, to the permissive tax 46244
distribution fund created by division (B)(1) of section 4301.423 46245
of the Revised Code and to the local sales tax administrative fund 46246
created by division ~~(B)~~(C) of section 5739.21 of the Revised Code, 46247
the amounts certified by the tax commissioner. The tax 46248

commissioner shall then, on or before the twentieth day of the 46249
month in which such certification is made, provide for payment of 46250
such respective amounts to the county treasurer or to the fiscal 46251
officer of the transit authority levying the tax or taxes. The 46252
amount transferred to the local sales tax administrative fund is 46253
for use by the tax commissioner in defraying costs the 46254
commissioner incurs in administering such taxes levied by a county 46255
or transit authority. 46256

Sec. 5743.01. As used in this chapter: 46257

(A) "Person" includes individuals, firms, partnerships, 46258
associations, joint-stock companies, corporations, combinations of 46259
individuals of any form, and the state and any of its political 46260
subdivisions. 46261

(B) "Wholesale dealer" includes only those persons: 46262

(1) Who bring in or cause to be brought into this state 46263
unstamped cigarettes purchased directly from the manufacturer, 46264
producer, or importer of cigarettes for sale in this state but 46265
does not include persons who bring in or cause to be brought into 46266
this state cigarettes with respect to which no evidence of tax 46267
payment is required thereon as provided in section 5743.04 of the 46268
Revised Code; or 46269

(2) Who are engaged in the business of selling cigarettes or 46270
tobacco products to others for the purpose of resale. 46271

"Wholesale dealer" does not include any cigarette 46272
manufacturer, export warehouse proprietor, or importer with a 46273
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 46274
in this state only to wholesale dealers holding valid and current 46275
licenses under section 5743.15 of the Revised Code or to an export 46276
warehouse proprietor or another manufacturer. 46277

(C) "Retail dealer" includes: 46278

(1) In reference to dealers in cigarettes, every person other than a wholesale dealer engaged in the business of selling cigarettes in this state, regardless of whether the person is located in this state or elsewhere, and regardless of quantity, amount, or number of sales;

(2) In reference to dealers in tobacco products, any person in this state engaged in the business of selling tobacco products to ultimate consumers in this state, regardless of quantity, amount, or number of sales.

(D) "Sale" includes exchange, barter, gift, offer for sale, and distribution, and includes transactions in interstate or foreign commerce.

(E) "Cigarettes" includes any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper, reconstituted cigarette tobacco, homogenized cigarette tobacco, cigarette tobacco sheet, or any similar materials other than cigar tobacco.

(F) "Package" means the individual package, box, or other container in or from which retail sales of cigarettes are normally made or intended to be made.

(G) "Stamp" includes an impression made by a metering device as provided for in section 5743.04 of the Revised Code.

(H) "Storage" includes any keeping or retention of cigarettes or tobacco products for use or consumption in this state.

(I) "Use" includes the exercise of any right or power incidental to the ownership of cigarettes or tobacco products.

(J) "Tobacco product" or "other tobacco product" means any product made from tobacco, other than cigarettes, that is made for

smoking or chewing, or both, and snuff. 46309

(K) "Wholesale price" means the invoice price, including all 46310
federal excise taxes, at which the manufacturer of the tobacco 46311
product sells the tobacco product to unaffiliated distributors, 46312
excluding any discounts based on the method of payment of the 46313
invoice or on time of payment of the invoice. If the taxpayer buys 46314
from other than a manufacturer, "wholesale price" means the 46315
invoice price, including all federal excise taxes and excluding 46316
any discounts based on the method of payment of the invoice or on 46317
time of payment of the invoice. 46318

(L) "Distributor" means: 46319

(1) Any manufacturer who sells, barter, exchanges, or 46320
distributes tobacco products to a retail dealer in the state, 46321
except when selling to a retail dealer that has filed with the 46322
manufacturer a signed statement agreeing to pay and be liable for 46323
the tax imposed by section 5743.51 of the Revised Code; 46324

(2) Any wholesale dealer located in the state who receives 46325
tobacco products from a manufacturer, or who receives tobacco 46326
products on which the tax imposed by this chapter has not been 46327
paid; 46328

(3) Any wholesale dealer located outside the state who sells, 46329
barter, exchanges, or distributes tobacco products to a wholesale 46330
or retail dealer in the state; or 46331

(4) Any retail dealer who receives tobacco products on which 46332
the tax has not or will not be paid by another distributor, 46333
including a retail dealer that has filed a signed statement with a 46334
manufacturer in which the retail dealer agrees to pay and be 46335
liable for the tax that would otherwise be imposed on the 46336
manufacturer by section 5743.51 of the Revised Code. 46337

(M) "Taxpayer" means any person liable for the tax imposed by 46338
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 46339

(N) "Seller" means any person located outside this state 46340
engaged in the business of selling tobacco products to consumers 46341
for storage, use, or other consumption in this state. 46342

(O) "Manufacturer" means any person who manufactures and 46343
sells cigarettes or tobacco products. 46344

(P) "Importer" means any person that ~~imports~~ is authorized, 46345
under a valid permit issued under Section 5713 of the Internal 46346
Revenue Code, to import finished cigarettes into the United 46347
States, either directly or indirectly. 46348

Sec. 5743.20. No person shall sell any cigarettes both as a 46349
retail dealer and as a wholesale dealer at the same place of 46350
business. No person other than a licensed wholesale dealer shall 46351
sell cigarettes to a licensed retail dealer. No retail dealer 46352
shall purchase cigarettes from any person other than a licensed 46353
wholesale dealer. 46354

Subject to section 5743.031 of the Revised Code, a licensed 46355
wholesale dealer may not sell cigarettes to any person in this 46356
state other than a licensed retail dealer, except a licensed 46357
wholesale dealer may sell cigarettes to another licensed wholesale 46358
dealer if the tax commissioner has authorized the sale of the 46359
cigarettes between those wholesale dealers and the wholesale 46360
dealer that sells the cigarettes received them directly from a 46361
licensed manufacturer or licensed importer. 46362

The tax commissioner shall adopt rules governing sales of 46363
cigarettes between licensed wholesale dealers, including rules 46364
establishing criteria for authorizing such sales. 46365

No manufacturer or importer shall sell cigarettes to any 46366
person in this state other than to a licensed wholesale dealer or 46367
licensed importer. No importer shall purchase cigarettes from any 46368
person other than a licensed manufacturer or licensed importer. 46369

A retail dealer may purchase other tobacco products only from 46370
a licensed distributor. A licensed distributor may sell tobacco 46371
products only to a retail dealer, except a licensed distributor 46372
may sell tobacco products to another licensed distributor if the 46373
tax commissioner has authorized the sale of the tobacco products 46374
between those distributors and the distributor that sells the 46375
tobacco products received them directly from a manufacturer or 46376
importer of tobacco products. 46377

The tax commissioner may adopt rules governing sales of 46378
tobacco products between licensed distributors, including rules 46379
establishing criteria for authorizing such sales. 46380

The identities of ~~licensed distributors~~ cigarette 46381
manufacturers and importers, licensed cigarette wholesalers, 46382
licensed distributors of other tobacco products, and registered 46383
manufacturers, importers, and brokers of other tobacco products 46384
are subject to public disclosure. The tax commissioner shall 46385
maintain an alphabetical list of all such ~~distributors~~ 46386
manufacturers, importers, wholesalers, distributors, and brokers, 46387
shall post the list on a web site accessible to the public through 46388
the internet, and shall periodically update the web site posting. 46389

As used in this section, "licensed" means the manufacturer, 46390
importer, wholesale dealer, ~~retail dealer~~, or distributor holds a 46391
current and valid license issued under section 5743.15 or 5743.61 46392
of the Revised Code, and "registered" means registered with the 46393
tax commissioner under section 5743.66 of the Revised Code. 46394

Sec. 5745.02. (A) The annual report filed under section 46395
5745.03 of the Revised Code determines a taxpayer's Ohio net 46396
income and the portion of Ohio net income to be apportioned to a 46397
municipal corporation. 46398

(B) A taxpayer's Ohio net income is determined by multiplying 46399
the taxpayer's adjusted federal taxable income by the sum of the 46400

property factor multiplied by one-third, the payroll factor 46401
multiplied by one-third, and the sales factor multiplied by 46402
one-third. If the denominator of one of the factors is zero, the 46403
remaining two factors each shall be multiplied by one-half instead 46404
of one-third; if the denominator of two of the factors is zero, 46405
the remaining factor shall be multiplied by one. The property, 46406
payroll, and sales factors shall be determined in the manner 46407
prescribed by divisions (B)(1), (2), and (3) of this section. 46408

(1) The property factor is a fraction, the numerator of which 46409
is the average value of the taxpayer's real and tangible personal 46410
property owned or rented, and used in business in this state 46411
during the taxable year, and the denominator of which is the 46412
average value of all the taxpayer's real and tangible personal 46413
property owned or rented, and used in business everywhere during 46414
such year. Property owned by the taxpayer is valued at its 46415
original cost. Property rented by the taxpayer is valued at eight 46416
times the net annual rental rate. "Net annual rental rate" means 46417
the annual rental rate paid by the taxpayer less any annual rental 46418
rate received by the taxpayer from subrentals. The average value 46419
of property shall be determined by averaging the values at the 46420
beginning and the end of the taxable year, but the tax 46421
commissioner may require the averaging of monthly values during 46422
the taxable year, if reasonably required to reflect properly the 46423
average value of the taxpayer's property. 46424

(2) The payroll factor is a fraction, the numerator of which 46425
is the total amount paid in this state during the taxable year by 46426
the taxpayer for compensation, and the denominator of which is the 46427
total compensation paid everywhere by the taxpayer during such 46428
year. Compensation means any form of remuneration paid to an 46429
employee for personal services. Compensation is paid in this state 46430
if: (a) the recipient's service is performed entirely within this 46431
state, (b) the recipient's service is performed both within and 46432

without this state, but the service performed without this state 46433
is incidental to the recipient's service within this state, or (c) 46434
some of the service is performed within this state and either the 46435
base of operations, or if there is no base of operations, the 46436
place from which the service is directed or controlled is within 46437
this state, or the base of operations or the place from which the 46438
service is directed or controlled is not in any state in which 46439
some part of the service is performed, but the recipient's 46440
residence is in this state. 46441

(3) The sales factor is a fraction, the numerator of which is 46442
the total sales in this state by the taxpayer during the taxable 46443
year, and the denominator of which is the total sales by the 46444
taxpayer everywhere during such year. Sales of electricity shall 46445
be situated to this state in the manner provided under section 46446
5733.059 of the Revised Code. In determining the numerator and 46447
denominator of the sales factor, receipts from the sale or other 46448
disposal of a capital asset or an asset described in section 1231 46449
of the Internal Revenue Code shall be eliminated. Also, in 46450
determining the numerator and denominator of the sales factor, in 46451
the case of a reporting taxpayer owning at least eighty per cent 46452
of the issued and outstanding common stock of one or more 46453
insurance companies or public utilities, except an electric 46454
company, a combined company, or a telephone company, or owning at 46455
least twenty-five per cent of the issued and outstanding common 46456
stock of one or more financial institutions, receipts received by 46457
the reporting taxpayer from such utilities, insurance companies, 46458
and financial institutions shall be eliminated. 46459

For the purpose of division (B)(3) of this section, sales of 46460
tangible personal property are in this state where such property 46461
is received in this state by the purchaser. In the case of 46462
delivery of tangible personal property by common carrier or by 46463
other means of transportation, the place at which such property is 46464

ultimately received after all transportation has been completed 46465
shall be considered as the place at which such property is 46466
received by the purchaser. Direct delivery in this state, other 46467
than for purposes of transportation, to a person or firm 46468
designated by a purchaser constitutes delivery to the purchaser in 46469
this state, and direct delivery outside this state to a person or 46470
firm designated by a purchaser does not constitute delivery to the 46471
purchaser in this state, regardless of where title passes or other 46472
conditions of sale. 46473

Sales, other than sales of electricity or tangible personal 46474
property, are in this state if either the income-producing 46475
activity is performed solely in this state, or the 46476
income-producing activity is performed both within and without 46477
this state and a greater proportion of the income-producing 46478
activity is performed within this state than in any other state, 46479
based on costs of performance. 46480

For the purposes of division (B)(3) of this section, the tax 46481
commissioner may adopt rules to apportion sales within this state. 46482

(C) The portion of a taxpayer's Ohio net income taxable by 46483
each municipal corporation imposing an income tax shall be 46484
determined by multiplying the taxpayer's Ohio net income by the 46485
sum of the municipal property factor multiplied by one-third, the 46486
municipal payroll factor multiplied by one-third, and the 46487
municipal sales factor multiplied by one-third, and subtracting 46488
from the product so obtained any "municipal net operating loss 46489
carryforward from prior taxable years." If the denominator of one 46490
of the factors is zero, the remaining two factors each shall be 46491
multiplied by one-half instead of one-third; if the denominator of 46492
two of the factors is zero, the remaining factor shall be 46493
multiplied by one. In calculating the "municipal net operating 46494
loss carryforward from prior taxable years" for each municipal 46495
corporation, net operating losses are apportioned in and out of a 46496

municipal corporation for the taxable year in which the net 46497
operating loss occurs in the same manner that positive net income 46498
would have been so apportioned. Any net operating loss for a 46499
municipal corporation may be applied to subsequent net income in 46500
that municipal corporation to reduce that income to zero or until 46501
the net operating loss has been fully used as a deduction. The 46502
unused portion of net operating losses for each taxable year 46503
apportioned to a municipal corporation may only be applied against 46504
the income apportioned to that municipal corporation for five 46505
subsequent taxable years. Net operating losses occurring in 46506
taxable years ending before 2002 may not be subtracted under this 46507
section. 46508

A taxpayer's municipal property, municipal payroll, and 46509
municipal sales factors for a municipal corporation shall be 46510
determined as provided in divisions (C)(1), (2), and (3) of this 46511
section. 46512

(1) The municipal property factor is the quotient obtained by 46513
dividing (a) the average value of real and tangible personal 46514
property owned or rented by the taxpayer and used in business in 46515
the municipal corporation during the taxable year by (b) the 46516
average value of all of the taxpayer's real and tangible personal 46517
property owned or rented and used in business during that taxable 46518
year in this state. The value and average value of such property 46519
shall be determined in the same manner provided in division (B)(1) 46520
of this section. 46521

(2) The municipal payroll factor is the quotient obtained by 46522
dividing (a) the total amount of compensation earned in the 46523
municipal corporation by the taxpayer's employees during the 46524
taxable year for services performed for the taxpayer and that is 46525
subject to income tax withholding by the municipal corporation by 46526
(b) the total amount of compensation paid by the taxpayer to its 46527
employees in this state during the taxable year. Compensation has 46528

the same meaning as in division (B)(2) of this section. 46529

(3) The municipal sales factor is a fraction, the numerator 46530
of which is the taxpayer's total sales in a municipal corporation 46531
during the taxable year, and the denominator of which is the 46532
taxpayer's total sales in this state during such year. 46533

For the purpose of division (C)(3) of this section, sales of 46534
tangible personal property are in the municipal corporation where 46535
such property is received in the municipal corporation by the 46536
purchaser. Sales of electricity directly to the ~~consumer~~ customer, 46537
as defined in section 5733.059 of the Revised Code, shall be 46538
considered sales of tangible personal property. In the case of the 46539
delivery of tangible personal property by common carrier or by 46540
other means of transportation, the place at which such property 46541
ultimately is received after all transportation has been completed 46542
shall be considered as the place at which the property is received 46543
by the purchaser. Direct delivery in the municipal corporation, 46544
other than for purposes of transportation, to a person or firm 46545
designated by a purchaser constitutes delivery to the purchaser in 46546
that municipal corporation, and direct delivery outside the 46547
municipal corporation to a person or firm designated by a 46548
purchaser does not constitute delivery to the purchaser in that 46549
municipal corporation, regardless of where title passes or other 46550
conditions of sale. Sales, other than sales of tangible personal 46551
property, are in the municipal corporation if either: 46552

(a) The income-producing activity is performed solely in the 46553
municipal corporation; 46554

(b) The income-producing activity is performed both within 46555
and without the municipal corporation and a greater proportion of 46556
the income-producing activity is performed within that municipal 46557
corporation than any other location in this state, based on costs 46558
of performance. 46559

For the purposes of division (C)(3) of this section, the tax commissioner may adopt rules to apportion sales within each municipal corporation.

(D) If a taxpayer is a combined company as defined in section 5727.01 of the Revised Code, the municipal property, payroll, and sales factors under division (C) of this section shall be adjusted as follows:

(1) The numerator of the municipal property factor shall include only the value, as determined under division (C)(1) of this section, of the company's real and tangible property in the municipal corporation attributed to the company's activity as an electric company using the same methodology prescribed under section 5727.03 of the Revised Code for taxable tangible personal property.

(2) The numerator of the municipal payroll factor shall include only compensation paid in the municipal corporation by the company to its employees for personal services rendered in the company's activity as an electric company.

(3) The numerator of the municipal sales factor shall include only the sales of tangible personal property and services, as determined under division (C)(3) of this section, made in the municipal corporation in the course of the company's activity as an electric company.

(E)(1) If the provisions for apportioning adjusted federal taxable income or Ohio net income under divisions (B), (C), and (D) of this section do not fairly represent business activity in this state or among municipal corporations, the tax commissioner may adopt rules for apportioning such income by an alternative method that fairly represents business activity in this state or among municipal corporations.

(2) If any of the factors determined under division (B), (C),

or (D) of this section does not fairly represent the extent of a taxpayer's business activity in this state or among municipal corporations, the taxpayer may request, or the tax commissioner may require, that the taxpayer's adjusted federal taxable income or Ohio net income be determined by an alternative method, including any of the alternative methods enumerated in division (B)(2)(d) of section 5733.05 of the Revised Code. A taxpayer requesting an alternative method shall make the request in writing to the tax commissioner either with the annual report, a timely filed amended report, or a timely filed petition for reassessment. When the tax commissioner requires or permits an alternative method under division (E)(2) of this section, the tax commissioner shall cause a written notice to that effect to be delivered to any municipal corporation that would be affected by application of the alternative method. Nothing in this division shall be construed to extend any statute of limitations under this chapter.

(F)(1) The tax commissioner may adopt rules providing for the combination of adjusted federal taxable incomes of taxpayers satisfying the ownership or control requirements of section 5733.052 of the Revised Code if the tax commissioner finds that such combinations are necessary to properly reflect adjusted federal taxable income, Ohio net income, or the portion of Ohio net income to be taxable by municipal corporations.

(2) A taxpayer satisfying the ownership or control requirements of section 5733.052 of the Revised Code with respect to one or more other taxpayers may not combine their adjusted federal taxable incomes for the purposes of this section unless rules are adopted under division (F)(1) of this section allowing such a combination or the tax commissioner finds that such a combination is necessary to properly reflect the taxpayers' adjusted federal taxable incomes, Ohio net incomes, or the portion of Ohio net incomes to be subject to taxation within a municipal

corporation. 46623

(G) The tax commissioner may adopt rules providing for 46624
alternative apportionment methods for a telephone company. 46625

Sec. 5745.05. (A) Prior to the first day of March, June, 46626
September, and December, the tax commissioner shall certify to the 46627
director of budget and management the amount to be paid to each 46628
municipal corporation, as indicated on the declaration of 46629
estimated tax reports and annual reports received under sections 46630
5745.03 and 5745.04 of the Revised Code, less any amounts 46631
previously distributed and net of any audit adjustments made by 46632
the tax commissioner. Not later than the first day of March, June, 46633
September, and December, the director of budget and management 46634
shall provide for payment of the amount certified to each 46635
municipal corporation from the municipal income tax fund, plus a 46636
pro rata share of any investment earnings accruing to the fund 46637
since the previous payment under this section apportioned among 46638
municipal corporations entitled to such payments in proportion to 46639
the amount certified by the tax commissioner. 46640

(B) If the tax commissioner determines that the amount of tax 46641
paid by a taxpayer and distributed to a municipal corporation 46642
under this section for a taxable year exceeds the amount payable 46643
to that municipal corporation under this chapter after accounting 46644
for amounts remitted with the annual report and as estimated 46645
taxes, the tax commissioner shall permit the taxpayer to credit 46646
the excess against the taxpayer's payments to the municipal 46647
corporation of estimated taxes remitted for an ensuing taxable 46648
year under section 5745.04 of the Revised Code. If, upon the 46649
written request of the taxpayer, the tax commissioner determines 46650
that the excess to be so credited is likely to exceed the amount 46651
of estimated taxes payable by the taxpayer to the municipal 46652
corporation during the ensuing twelve months, the tax commissioner 46653

shall so notify the municipal corporation and the municipal 46654
corporation shall issue a refund of the excess to the taxpayer 46655
within ninety days after receiving such a notice. Interest shall 46656
accrue on the amount to be refunded and is payable to the taxpayer 46657
at the rate per annum prescribed by section 5703.47 of the Revised 46658
Code from the ninety-first day after the notice is received by the 46659
municipal corporation until the day the refund is paid. 46660
Immediately after notifying a municipal corporation under this 46661
division of an excess to be refunded, the commissioner also shall 46662
notify the director of budget and management of the amount of the 46663
excess, and the director shall transfer from the municipal income 46664
tax administrative fund to the municipal income tax fund one and 46665
one-half per cent of the amount of the excess. The commissioner 46666
shall include the transferred amount in the computation of the 46667
amount due the municipal corporation in the next certification to 46668
the director under division (A) of this section. 46669

Sec. 5745.13. If, upon examination of any books, records, 46670
reports, or other documents of a taxpayer, the tax commissioner 46671
determines that an adjustment shall be made in the portion of the 46672
taxpayer's income that is to be apportioned to a municipal 46673
corporation, the tax commissioner shall notify the taxpayer and, 46674
if the adjustment causes an adjustment in the taxpayer's tax owed 46675
to a municipal corporation for the taxpayer's taxable year of more 46676
than five hundred dollars, shall notify ~~each affected~~ that 46677
municipal corporation that the taxpayer's tax has been adjusted. 46678

Any municipal corporation to which such a notice is issued 46679
may request a review and redetermination of the taxpayer's federal 46680
taxable income, Ohio net income, or the portion of Ohio net income 46681
apportioned to the municipal corporation by filing a petition with 46682
the tax commissioner not later than sixty days after the tax 46683
commissioner issues the notice. The petition shall be filed either 46684
personally or by certified mail, and shall indicate the objections 46685

of the municipal corporation. 46686

Upon receiving such a petition, if a hearing is requested the 46687
tax commissioner shall assign a time and place for a hearing on 46688
the petition and shall notify the petitioner of the time and place 46689
of the hearing by ordinary mail. The tax commissioner may continue 46690
the hearing from time to time as necessary. The tax commissioner 46691
shall make any correction to the taxpayer's federal taxable 46692
income, Ohio net income, or apportionment of Ohio net income that 46693
the commissioner finds proper, and issue notice of any correction 46694
by ordinary mail to the petitioner, to each other municipal 46695
corporation affected by the correction of the apportionment, and 46696
to the taxpayer. The tax commissioner's decision on the matter is 46697
final, and is not subject to further appeal. 46698

Sec. 5747.03. (A) All money collected under this chapter 46699
arising from the taxes imposed by section 5747.02 or 5747.41 of 46700
the Revised Code shall be credited to the general revenue fund, 46701
except that the treasurer of state shall: 46702

~~(1) Credit an amount equal to four and two tenths per cent of 46703
those taxes collected under this chapter to the local government 46704
fund, which is hereby created in the state treasury, for 46705
distribution in accordance with section 5747.50 of the Revised 46706
Code; 46707~~

~~(2) Credit an amount equal to five and seven tenths per cent 46708
of those taxes collected under this chapter to the library and 46709
local government support fund, which is hereby created in the 46710
state treasury, for distribution in accordance with section 46711
5747.47 of the Revised Code; 46712~~

~~(3) At, at the beginning of each calendar quarter, credit to 46713
the Ohio political party fund, pursuant to section 3517.16 of the 46714
Revised Code, an amount equal to the total dollar value realized 46715
from the taxpayer exercise of the income tax checkoff option on 46716~~

tax forms processed during the preceding calendar quarter+ 46717

~~(4) Credit an amount equal to six tenths of one per cent of 46718
those taxes collected under this chapter to the local government 46719
revenue assistance fund for distribution in accordance with 46720
section 5747.61 of the Revised Code. 46721~~

(B)(1) Following the crediting of moneys pursuant to division 46722
(A) of this section, the remainder deposited in the general 46723
revenue fund shall be distributed pursuant to division (F) of 46724
section 321.24 and section 323.156 of the Revised Code; to make 46725
subsidy payments to institutions of higher education from 46726
appropriations to the Ohio board of regents; to support 46727
expenditures for programs and services for the mentally ill, 46728
mentally retarded, developmentally disabled, and elderly; for 46729
primary and secondary education; for medical assistance; and for 46730
any other purposes authorized by law, subject to the limitation 46731
that at least fifty per cent of the income tax collected by the 46732
state from the tax imposed by section 5747.02 of the Revised Code 46733
shall be returned pursuant to Section 9 of Article XII, Ohio 46734
Constitution. 46735

(2) To ensure that such constitutional requirement is 46736
satisfied the tax commissioner shall, on or before the thirtieth 46737
day of June of each year, from the best information available to 46738
the tax commissioner, determine and certify for each county to the 46739
director of budget and management the amount of taxes collected 46740
under this chapter from the tax imposed under section 5747.02 of 46741
the Revised Code during the preceding calendar year that are 46742
required to be returned to the county by Section 9 of Article XII, 46743
Ohio Constitution. The director shall provide for payment from the 46744
general revenue fund to the county in the amount, if any, that the 46745
sum of the amount so certified for that county exceeds the sum of 46746
the following: 46747

(a) The sum of the payments from the general revenue fund for 46748

the preceding calendar year credited to the ~~credit of the~~ county's undivided income tax fund pursuant to division (F) of section 321.24 and section 323.156 of the Revised Code or made directly from the general revenue fund to political subdivisions located in the county;

(b) The sum of the amounts from the general revenue fund distributed in the county during the preceding calendar year for subsidy payments to institutions of higher education from appropriations to the Ohio board of regents; for programs and services for mentally ill, mentally retarded, developmentally disabled, and elderly persons; for primary and secondary education; and for medical assistance.

(c) ~~The~~ In the case of payments made by the director under this division in 2007, the total amount distributed to the county during the preceding calendar year from the local government fund and the local government revenue assistance fund, and, in the case of payments made by the director under this division in subsequent calendar years, the amount distributed to the county from the local communities fund;

(d) ~~The~~ In the case of payments made by the director under this division in 2007, the total amount distributed to the county during the preceding calendar year from the library and local government support fund;

~~(e) The amount distributed to the county during the preceding calendar year from the local government revenue assistance fund and, in the case of payments made by the director under this division in subsequent calendar years, the amount distributed to the county from the local libraries fund.~~

Payments under this division shall be credited to the county's undivided income tax fund, except that, notwithstanding section 5705.14 of the Revised Code, such payments may be

transferred by the board of county commissioners to the county 46780
general fund by resolution adopted with the affirmative vote of 46781
two-thirds of the members thereof. 46782

(C) All payments received in each month from taxes imposed 46783
under Chapter 5748. of the Revised Code and any penalties or 46784
interest thereon shall be paid into the school district income tax 46785
fund, which is hereby created in the state treasury, except that 46786
an amount equal to the following portion of such payments shall be 46787
paid into the general school district income tax administrative 46788
fund, which is hereby created in the state treasury: 46789

(1) One and three-quarters of one per cent of those received 46790
in fiscal year 1996; 46791

(2) One and one-half per cent of those received in fiscal 46792
year 1997 and thereafter. 46793

Money in the school district income tax administrative fund 46794
shall be used by the tax commissioner to defray costs incurred in 46795
administering the school district's income tax, including the cost 46796
of providing employers with information regarding the rate of tax 46797
imposed by any school district. Any moneys remaining in the fund 46798
after such use shall be deposited in the school district income 46799
tax fund. 46800

All interest earned on moneys in the school district income 46801
tax fund shall be credited to the fund. 46802

(D)(1)(a) Within thirty days of the end of each calendar 46803
quarter ending on the last day of March, June, September, and 46804
December, the director of budget and management shall make a 46805
payment from the school district income tax fund to each school 46806
district for which school district income tax revenue was received 46807
during that quarter. The amount of the payment shall equal the 46808
balance in the school district's account at the end of that 46809
quarter. 46810

(b) After a school district ceases to levy an income tax, the director of budget and management shall adjust the payments under division (D)(1)(a) of this section to retain sufficient money in the school district's account to pay refunds. For the calendar quarters ending on the last day of March and December of the calendar year following the last calendar year the tax is levied, the director shall make the payments in the amount required under division (D)(1)(a) of this section. For the calendar quarter ending on the last day of June of the calendar year following the last calendar year the tax is levied, the director shall make a payment equal to nine-tenths of the balance in the account at the end of that quarter. For the calendar quarter ending on the last day of September of the calendar year following the last calendar year the tax is levied, the director shall make no payment. For the second and succeeding calendar years following the last calendar year the tax is levied, the director shall make one payment each year, within thirty days of the last day of June, in an amount equal to the balance in the district's account on the last day of June.

(2) Moneys paid to a school district under this division shall be deposited in its school district income tax fund. All interest earned on moneys in the school district income tax fund shall be apportioned by the tax commissioner pro rata among the school districts in the proportions and at the times the districts are entitled to receive payments under this division.

Sec. 5747.122. (A) The tax commissioner, in accordance with section 5101.184 of the Revised Code, shall cooperate with the director of job and family services to collect overpayments of assistance under Chapter 5107., 5111., 5114., or 5115., former Chapter 5113., or section 5101.54 of the Revised Code from refunds of state income taxes for taxable year 1992 and thereafter that are payable to the recipients of such overpayments.

(B) At the request of the department of job and family services in connection with the collection of an overpayment of assistance from a refund of state income taxes pursuant to this section and section 5101.184 of the Revised Code, the tax commissioner shall release to the department the home address and social security number of any recipient of assistance whose overpayment may be collected from a refund of state income taxes under those sections.

(C) In the case of a joint income tax return for two people who were not married to each other at the time one of them received an overpayment of assistance, only the portion of a refund that is due to the recipient of the overpayment shall be available for collection of the overpayment under this section and section 5101.184 of the Revised Code. The tax commissioner shall determine such portion. A recipient's spouse who objects to the portion as determined by the commissioner may file a complaint with the commissioner within twenty-one days after receiving notice of the collection, and the commissioner shall afford the spouse an opportunity to be heard on the complaint. The commissioner shall waive or extend the twenty-one-day period if the recipient's spouse establishes that such action is necessary to avoid unjust, unfair, or unreasonable results. After the hearing, the commissioner shall make a final determination of the portion of the refund available for collection of the overpayment.

(D) The welfare overpayment intercept fund is hereby created in the state treasury. The tax commissioner shall deposit amounts collected from income tax refunds under this section to the credit of the welfare overpayment intercept fund. The director of job and family services shall distribute money in the fund in accordance with appropriate federal or state laws and procedures regarding collection of welfare overpayments.

Sec. 5747.46. As used in sections 5747.46 and 5747.47 of the Revised Code:

(A) "Year's fund balance" means the amount credited to the ~~library and local government support libraries~~ fund during a calendar year.

(B) "Distribution year" means the calendar year during which a year's fund balance is distributed under section 5747.47 of the Revised Code.

(C) "CPI" means the consumer price index for all urban consumers (United States city average, all items), prepared by the United States department of labor, bureau of labor statistics.

(D) "Inflation factor" means the quotient obtained by dividing the CPI for May of the year preceding the distribution year by the CPI for May of the second preceding year. If the ~~the~~ quotient so obtained is less than one, the inflation factor shall equal one.

(E) "Population" means whichever of the following has most recently been issued, as of the first day of June preceding the distribution year:

(1) The most recent decennial census figures that include population figures for each county in the state;

(2) The most current issue of "Current Population Reports: Local Population Estimates" issued by the United States bureau of the census that contains population estimates for each county in the state and the state.

(F) "County's equalization ratio for a distribution year" means a percentage computed for that county as follows:

(1) Square the per cent that the county's population is of the state's population;

(2) Divide the product so obtained by the per cent that the county's total entitlement for the preceding year is of all counties' total entitlements for the preceding year;

(3) Divide the quotient so obtained by the sum of the quotients so obtained for all counties.

(G) "Total entitlement" means, with respect to a distribution year, the sum of a county's guaranteed share plus its share of the excess.

(1) "Guaranteed share" means, for a distribution year, the product obtained by multiplying a county's total entitlement for the preceding distribution year by the inflation factor. If the sum of the guaranteed shares for all counties exceeds the year's fund balance, the guaranteed shares of all counties shall be reduced by a percentage that will result in the sum of such guaranteed shares being equal to the year's fund balance.

(2) "Share of excess" means, for a distribution year, the product obtained by multiplying a county's equalization ratio by the difference between the year's fund balance and the sum of the guaranteed shares for all counties. If the sum of the guaranteed shares for all counties exceeds the year's fund balance the share of the excess for all counties is zero.

(H) "Net distribution" means the sum of the payments made to a county's ~~library and local government support~~ libraries fund during a distribution year, adjusted as follows:

(1) If the county received an overpayment during the preceding distribution year, add the amount of the overpayment;

(2) If the county received an underpayment during the preceding distribution year, deduct the amount of the underpayment.

(I) "Overpayment" or "underpayment" for a distribution year

means the amount by which the net distribution to a county's 46933
~~library and local government support libraries~~ fund during that 46934
distribution year exceeded or was less than the county's total 46935
entitlement for that year. 46936

All computations made under this section shall be rounded to 46937
the nearest one-hundredth of one per cent. 46938

Sec. 5747.47. (A)(1) By the twentieth day of July of each 46939
year, the tax commissioner shall estimate and certify the 46940
following for each county to its county auditor: 46941

(a) Its guaranteed share of the ensuing year's fund balance; 46942

(b) Its share of the excess of the ensuing year's fund 46943
balance; 46944

(c) Its total entitlement. 46945

(2) In December and in June following such estimations and 46946
certifications, the commissioner shall revise such estimates and 46947
certify such revised estimates to the respective county auditors. 46948

(B) By the tenth day of each month the commissioner shall 46949
distribute the amount credited to the ~~library and local government~~ 46950
~~support libraries~~ fund ~~from taxes collected under this chapter~~ 46951
~~during the preceding month in the current month under section~~ 46952
131.51 of the Revised Code. The distributions shall be made as 46953
follows: 46954

(1) During the first six months of each year, each county 46955
shall be paid a percentage of the balance that is the same per 46956
cent that the revised estimate of the county's total entitlement 46957
certified in December under division (A)(2) of this section is of 46958
the sum of such revised estimates of the total entitlements for 46959
all counties. 46960

(2) During the last six months, each county shall be paid a 46961
percentage of the balance that is the same per cent that the 46962

revised estimate of the county's total entitlement certified in 46963
June under division (A)(2) of this section is of the sum of such 46964
revised estimates of the total entitlements for all counties. 46965

(3) During each of the first six months of each year, the 46966
payments made to each county shall be adjusted as follows: 46967

(a) If the county received an overpayment during the 46968
preceding distribution year, reduce the sum of the payments by the 46969
amount of such overpayment. The reduction shall be apportioned 46970
over the six months. 46971

(b) If the county received an underpayment during the 46972
preceding distribution year, increase the sum of the payments by 46973
the amount of such underpayment. The increase shall be apportioned 46974
over the six months. 46975

(C) By the twentieth day of December of each year, the tax 46976
commissioner shall determine and certify to the auditor of each 46977
county each of the following with respect to the current 46978
distribution year: 46979

(1) The year's fund balance; 46980

(2) Each county's guaranteed share; 46981

(3) Each county's share of the excess; 46982

(4) Each county's total entitlement; 46983

(5) Each county's net distribution; 46984

(6) The amount by which each county's net distribution 46985
exceeded or was less than its total entitlement, which amount 46986
shall constitute the county's overpayment or underpayment for 46987
purposes of division (B)(3) of this section in the ensuing 46988
distribution year. 46989

Sec. 5747.48. On the fifteenth day of each month, the county 46990
treasurer shall distribute the balance in the county ~~library and~~ 46991

local ~~government support~~ libraries fund among the county, boards 46992
of public library trustees, municipal corporations, and boards of 46993
township park commissioners for which the county budget commission 46994
has fixed an allocation from the fund in that year in accordance 46995
with section 5705.32 of the Revised Code in the same proportions 46996
that each such entity's allocation as fixed by the commission is 46997
of the total of all such allocations in that year. 46998

All money received into the treasury of a municipal 46999
corporation or county shall be credited to the general fund 47000
therein, provided that in a municipal corporation there shall be 47001
credited to the funds established under division (D) of section 47002
5705.09 of the Revised Code a portion of the total amount to be 47003
credited to funds of the municipal corporation, which portion 47004
shall be determined by multiplying the total amount to be credited 47005
by the percentage that the funds credited under division (D) of 47006
said section in 1938 bore to all the funds credited under said 47007
section in 1938. If a municipal corporation is in default with 47008
respect to the principal or interest of any outstanding notes or 47009
bonds, the moneys distributed under this section shall be credited 47010
to the funds established under divisions (A), (B), (C), and (D) of 47011
section 5705.09 of the Revised Code, in the same proportion in 47012
which the funds derived from the levy for the previous year on the 47013
general tax list and duplicate are divided. 47014

Sec. 5747.50. (A) As used in this section: 47015

(1) "County's proportionate share of the calendar year 2007 47016
LGF and LGRAF distributions" means the percentage computed for the 47017
county under division (B)(1)(a) of section 5747.501 of the Revised 47018
Code ~~for use in the current calendar year.~~ 47019

(2) "~~1983 share~~" means ~~the sum of all payments made to a~~ 47020
~~county under section 5747.50 of the Revised Code during 1983 under~~ 47021
~~all versions of such section that were in effect during such year~~ 47022

~~plus the payments made to the county's undivided local government fund in 1983 from the tax imposed on deposits under division (C) of section 5707.03 of the Revised Code.~~

~~(3) "Amount available for distribution under division (B) of this section" means for any calendar year, both of the following:~~

~~(a) Nine tenths of the difference between the amount available for distribution under this section during that year and the deposit tax revenue of all counties;~~

~~(b) The deposit tax revenue of all counties less six million dollars.~~

~~Each year, an amount equal to the amount available for distribution under division (B) of this section shall be distributed from the local government fund as provided in that division. The balance in the fund available for distribution in that year under this section and not available for distribution under this division shall be distributed in accordance with division (C) of this section. The tax commissioner shall determine in each month what proportion of that month's local government fund balance shall be distributed under division (B) of this section and what proportion shall be distributed under division (C) of this section. "County's proportionate share of the total amount of the local communities fund additional revenue formula" means each county's proportionate share of the state's population as determined for and certified to the county for distributions to be made during the current calendar year under division (B)(2)(a) of section 5747.501 of the Revised Code. If prior to the first day of January of the current calendar year the federal government has issued a revision to the population figures reflected in the estimate produced pursuant to division (B)(2)(a) of section 5747.501 of the Revised Code, such revised population figures shall be used for making the distributions during the current calendar year.~~

(3) "2007 LGF and LGRAF county distribution base available in that month" means the lesser of the amounts described in division (A)(3)(a) and (b) of this section, provided that the amount shall not be less than zero: 47055
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47057
47058

(a) The total amount available for distribution to counties from the local communities fund during the current month. 47059
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(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund to counties in calendar year 2007 less the total amount distributed to counties under division (B)(1) of this section during previous months of the current calendar year. 47061
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(4) "Local communities fund additional revenue distribution base available during that month" means the total amount available for distribution to counties during the month from the local communities fund, less any amounts to be distributed in that month from the local communities fund under division (B)(1) of this section, provided that the local communities fund additional revenue distribution base available during that month shall not be less than zero. 47066
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(5) "Total amount available for distribution to counties" means the total amount available for distribution from the local communities fund during the current month less the total amount available for distribution to municipal corporations during the current month under division (C) of this section. 47074
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(B) On or before the tenth day of each month, the tax commissioner shall provide for payment to ~~the county treasurer of~~ each county ~~of~~ an amount equal to the sum of: 47079
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47081

(1) The county's proportionate share of the calendar year 2007 LGF and LGRAF distributions multiplied by the 2007 LGF and LGRAF county distribution base available in that month, provided that if the 2007 LGF and LGRAF county distribution base available 47082
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in that month is zero, no payment shall be made under division 47086
(B)(1) of this section for the month or the remainder of the 47087
calendar year; and 47088

(2) The county's proportionate share of the total amount of 47089
the local ~~government~~ communities fund additional revenue formula 47090
multiplied by the local communities fund additional revenue 47091
distribution base available for ~~distribution~~ during that month 47092
under this division, except as otherwise provided and in such a 47093
way that on the last day of each calendar year, each county shall 47094
have received an amount equal to its proportionate share of the 47095
amount available for distribution under this division during that 47096
year. Counties whose proportionate shares are less than their 1983 47097
shares shall receive an amount equal to their 1983 shares during 47098
the year in lieu of their proportionate shares, and the amounts 47099
required to be paid to all other counties shall be proportionately 47100
reduced to fund such deficiency. If any county receives payments 47101
in any year that exceed the amount to which it is entitled, that 47102
excess shall be deducted from the payments due the county in the 47103
ensuing calendar year and apportioned among and paid to the 47104
counties that did not receive any such excess. 47105

The amount paid to any county in any month shall not be less 47106
than twenty five thousand dollars unless a smaller payment is 47107
required in order to avoid paying that county more during the year 47108
than the amount to which it is entitled for that year. 47109

Money received into the treasury of a county under this 47110
division shall be credited to the undivided local ~~government~~ 47111
communities fund in the treasury of the county on or before the 47112
fifteenth day of each month. The On or before the twentieth day of 47113
each month, the county auditor shall issue warrants against all of 47114
the undivided local ~~government~~ communities fund in the county 47115
treasury in the respective amounts allowed as provided in section 47116
5747.51 of the Revised Code, and the treasurer shall distribute 47117

and pay such sums to the subdivision therein. 47118

(C)(1) As used in division (C) of this section: 47119

(a) "Total amount available for distribution to municipalities during the current month" means the product obtained by multiplying the total amount available for distribution from the local communities fund during the current month by the aggregate municipal share. 47120
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(b) "Aggregate municipal share" means the quotient obtained by dividing the total amount distributed directly from the local government fund to municipal corporations during calendar year 2007 by the total distributions from the local government fund and local government revenue assistance fund during calendar year 2007. 47125
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(2) On or before the tenth day of each month, the tax commissioner shall provide for payment from the local communities fund to each municipal corporation which had in effect during the preceding calendar year a tax imposed under Chapter 718. of the Revised Code. The amount paid to each municipal corporation shall bear the same an amount equal to the product derived by multiplying the municipal corporation's percentage of the total amount to be distributed to all such municipal corporations under this division as the total income taxes collected by such municipal corporation during the second calendar year preceding the year in which distribution is made bears to the total amount of such taxes collected by all municipal corporations during such period 2007 by the total amount available for distribution to municipal corporations during the current month. Payments 47131
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(3) Payments received by a municipal corporation under this division shall be paid into its general fund and may be used for any lawful purpose. 47145
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47147

(4) The amount distributed to municipal corporations under 47148

this division during any calendar year shall not exceed the amount 47149
distributed directly from the local government fund to municipal 47150
corporations during calendar year 2007. If that maximum amount is 47151
reached during any month, distributions to municipal corporations 47152
in that month shall be as provided in divisions (C)(1) and (2) of 47153
this section, but no further distributions shall be made to 47154
municipal corporations under division (C) of this section during 47155
the remainder of the calendar year. 47156

(5) Upon being informed of a municipal corporation's 47157
dissolution, the tax commissioner shall cease providing for 47158
payments to that municipal corporation under division (C) of this 47159
section. The proportionate shares of the total amount available 47160
for distribution to each of the remaining municipal corporations 47161
under this division shall be increased on a pro rata basis. 47162

(D) Each municipal corporation which has in effect a tax 47163
imposed under Chapter 718. of the Revised Code shall, no later 47164
than the thirty-first day of August of each year, certify to the 47165
tax commissioner the total amount of income taxes collected by 47166
such municipal corporation pursuant to such chapter during the 47167
preceding calendar year. The tax commissioner ~~shall~~ may withhold 47168
payment of local ~~government communities~~ fund moneys pursuant to 47169
division (C) of this section from any municipal corporation for 47170
failure to comply with this reporting requirement. 47171

Sec. 5747.501. (A) ~~By~~ On or before the fifteenth twenty-fifth 47172
day of ~~December~~ July of each year, the tax commissioner shall 47173
estimate and certify to each county auditor the amount to be ~~paid~~ 47174
~~into~~ distributed from the local ~~government communities~~ fund ~~for~~ 47175
~~distribution to each undivided local communities fund~~ during the 47176
following calendar year under section 5747.50 of the Revised Code. 47177
The ~~commissioner estimate~~ shall ~~then determine equal~~ the sum of 47178
the separate amounts that would be paid to each county if the 47179

~~amount so certified were distributed~~ computed under divisions 47180
~~(A)(B)(1) and (2) of this section as follows:~~ 47181
47182

~~(1)(a) As used in this division and in section 5747.50 of the~~ 47183
~~Revised Code, "deposit tax revenue" means one hundred forty five~~ 47184
~~and forty five one hundredths per cent of the payments made to the~~ 47185
~~county's undivided local government fund in 1983 from the tax~~ 47186
~~imposed on deposits under division (C) of section 5707.03 of the~~ 47187
~~Revised Code.~~ 47188

~~(b) Compute each county's deposit tax revenue.~~ 47189

~~(c) Determine how much each county would receive if~~ 47190
~~nine tenths of the difference between the amount certified under~~ 47191
~~division (A) of this section and the sum of all counties' deposit~~ 47192
~~tax revenues, less six million dollars, were allocated among the~~ 47193
~~counties in the following year as follows:~~ 47194

~~(i) Seventy five per cent of said amount shall be apportioned~~ 47195
~~in the ratio that the total of the real, public utility, and~~ 47196
~~tangible personal property tax duplicates of the municipal~~ 47197
~~corporations, or parts thereof, in the county for the year next~~ 47198
~~preceding the year in which the computation is made bears to the~~ 47199
~~total aggregate real, public utility, and tangible personal~~ 47200
~~property tax duplicates of all the municipal corporations in the~~ 47201
~~state for the same year.~~ 47202

~~(ii) Twenty five per cent shall be apportioned among all the~~ 47203
~~counties in the ratio that the population of the county at the~~ 47204
~~last federal decennial census bears to the total population of the~~ 47205
~~state.~~ 47206

~~(iii) Adjust the sum of the allocations under divisions~~ 47207
~~(A)(1)(c)(i) and (ii) for each county so that the sum allocated to~~ 47208
~~each county under those divisions is at least two hundred~~ 47209
~~twenty five thousand dollars. If such an adjustment is made, the~~ 47210

~~sum of the apportionments to the counties for which no adjustment 47211
is necessary shall be proportionately reduced so that the sum of 47212
the allocations to all counties equals the amount to be allocated 47213
under divisions (A)(1)(c)(i) to (iii) of this section. 47214~~

~~(d) Add the amount allocated to each county under division 47215
(A)(1)(c) to its deposit tax revenue. 47216~~

~~(2) Determine how much each county would receive if 47217
nine tenths of the amount certified by the commissioner, less six 47218
million dollars, were allocated in the manner prescribed by 47219
division (A)(1)(c) of this section. 47220~~

~~(B) Upon the completion of the computations required by 47221
division (A) of this section, the commissioner shall assign to 47222
each county, the amount computed for it under division (A)(1)(d) 47223
of this section or the amount computed under division (A)(2) of 47224
this section, whichever is the higher amount, and compute the per 47225
cent that the assigned amount for each county is of the sum of the 47226
assigned amounts for all counties. The percentage so computed 47227
shall be the proportionate share of the county for the following 47228
calendar year for purposes of making the distributions required by 47229
section 5747.50 of the Revised Code (1) The product obtained by 47230
multiplying the percentage described in division (B)(1)(a) of this 47231
section by the amount described in division (B)(1)(b) of this 47232
section. 47233~~

~~(a) Each county's proportionate share of the total amount 47234
distributed to the counties from the local government fund and the 47235
local government revenue assistance fund during calendar year 47236
2007. 47237~~

~~(b) The total amount distributed to counties from the local 47238
government fund and the local government revenue assistance fund 47239
during calendar year 2007 adjusted downward if, and to the extent 47240
that, total local communities fund distributions to counties for 47241~~

the following year are projected to be less than what was 47242
distributed to counties from the local government fund and local 47243
government revenue assistance fund during calendar year 2007. 47244

(2) The product obtained by multiplying the percentage 47245
described in division (B)(2)(a) of this section by the amount 47246
described in division (B)(2)(b) of this section. 47247

(a) Each county's proportionate share of the state's 47248
population as reflected in the most recent federal decennial 47249
census or the federal government's most recent census estimates, 47250
whichever represents the most recent year. 47251

(b) The amount by which total estimated distributions from 47252
the local communities fund during the immediately succeeding 47253
calendar year, less the total estimated amount to be distributed 47254
from the fund to municipal corporations under division (C) of 47255
section 5747.50 of the Revised Code during the immediately 47256
succeeding calendar year, exceed the total amount distributed to 47257
counties from the local government fund and local government 47258
revenue assistance fund during calendar year 2007. 47259

Sec. 5747.51. (A) ~~Within ten days after~~ On or before the 47260
~~fifteenth~~ twenty-fifth day of July of each year, the tax 47261
commissioner shall make and certify to the county auditor of each 47262
county an estimate of the amount of the local ~~government~~ 47263
~~communities~~ fund to be allocated to the undivided local ~~government~~ 47264
~~communities~~ fund of each county for the ensuing calendar year and 47265
the estimated amount to be received by the undivided local 47266
~~government~~ communities fund of each county from the taxes levied 47267
pursuant to section 5707.03 of the Revised Code for the ensuing 47268
calendar year. 47269

(B) At each annual regular session of the county budget 47270
commission convened pursuant to section 5705.27 of the Revised 47271
Code, each auditor shall present to the commission the certificate 47272

of the commissioner, the annual tax budget and estimates, and the records showing the action of the commission in its last preceding regular session. The estimates shown on the certificate of the commissioner of the amount to be allocated from the local ~~government~~ communities fund and the amount to be received from taxes levied pursuant to section 5707.03 of the Revised Code shall be combined into one total comprising the estimate of the undivided local ~~government~~ communities fund of the county. The commission, after extending to the representatives of each subdivision an opportunity to be heard, under oath administered by any member of the commission, and considering all the facts and information presented to it by the auditor, shall determine the amount of the undivided local ~~government~~ communities fund needed by and to be apportioned to each subdivision for current operating expenses, as shown in the tax budget of the subdivision. This determination shall be made pursuant to divisions (C) to (I) of this section, unless the commission has provided for a formula pursuant to section 5747.53 of the Revised Code.

Nothing in this section prevents the budget commission, for the purpose of apportioning the undivided local ~~government~~ communities fund, from inquiring into the claimed needs of any subdivision as stated in its tax budget, or from adjusting claimed needs to reflect actual needs. For the purposes of this section, "current operating expenses" means the lawful expenditures of a subdivision, except those for permanent improvements and except payments for interest, sinking fund, and retirement of bonds, notes, and certificates of indebtedness of the subdivision.

(C) The commission shall determine the combined total of the estimated expenditures, including transfers, from the general fund and any special funds other than special funds established for road and bridge; street construction, maintenance, and repair; state highway improvement; and gas, water, sewer, and electric

public utilities operated by a subdivision, as shown in the 47305
subdivision's tax budget for the ensuing calendar year. 47306

(D) From the combined total of expenditures calculated 47307
pursuant to division (C) of this section, the commission shall 47308
deduct the following expenditures, if included in these funds in 47309
the tax budget: 47310

(1) Expenditures for permanent improvements as defined in 47311
division (E) of section 5705.01 of the Revised Code; 47312

(2) In the case of counties and townships, transfers to the 47313
road and bridge fund, and in the case of municipalities, transfers 47314
to the street construction, maintenance, and repair fund and the 47315
state highway improvement fund; 47316

(3) Expenditures for the payment of debt charges; 47317

(4) Expenditures for the payment of judgments. 47318

(E) In addition to the deductions made pursuant to division 47319
(D) of this section, revenues accruing to the general fund and any 47320
special fund considered under division (C) of this section from 47321
the following sources shall be deducted from the combined total of 47322
expenditures calculated pursuant to division (C) of this section: 47323

(1) Taxes levied within the ten-mill limitation, as defined 47324
in section 5705.02 of the Revised Code; 47325

(2) The budget commission allocation of estimated county 47326
~~library and local government support libraries~~ fund revenues to be 47327
distributed pursuant to section 5747.48 of the Revised Code; 47328

(3) Estimated unencumbered balances as shown on the tax 47329
budget as of the thirty-first day of December of the current year 47330
in the general fund, but not any estimated balance in any special 47331
fund considered in division (C) of this section; 47332

(4) Revenue, including transfers, shown in the general fund 47333
and any special funds other than special funds established for 47334

road and bridge; street construction, maintenance, and repair; 47335
state highway improvement; and gas, water, sewer, and electric 47336
public utilities, from all other sources except those that a 47337
subdivision receives from an additional tax or service charge 47338
voted by its electorate or receives from special assessment or 47339
revenue bond collection. For the purposes of this division, where 47340
the charter of a municipal corporation prohibits the levy of an 47341
income tax, an income tax levied by the legislative authority of 47342
such municipal corporation pursuant to an amendment of the charter 47343
of that municipal corporation to authorize such a levy represents 47344
an additional tax voted by the electorate of that municipal 47345
corporation. For the purposes of this division, any measure 47346
adopted by a board of county commissioners pursuant to section 47347
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 47348
including those measures upheld by the electorate in a referendum 47349
conducted pursuant to section 322.021, 324.021, 4504.021, or 47350
5739.022 of the Revised Code, shall not be considered an 47351
additional tax voted by the electorate. 47352

Subject to division (G) of section 5705.29 of the Revised 47353
Code, money in a reserve balance account established by a county, 47354
township, or municipal corporation under section 5705.13 of the 47355
Revised Code shall not be considered an unencumbered balance or 47356
revenue under division (E)(3) or (4) of this section. Money in a 47357
reserve balance account established by a township under section 47358
5705.132 of the Revised Code shall not be considered an 47359
unencumbered balance or revenue under division (E)(3) or (4) of 47360
this section. 47361

If a county, township, or municipal corporation has created 47362
and maintains a nonexpendable trust fund under section 5705.131 of 47363
the Revised Code, the principal of the fund, and any additions to 47364
the principal arising from sources other than the reinvestment of 47365
investment earnings arising from such a fund, shall not be 47366

considered an unencumbered balance or revenue under division 47367
(E)(3) or (4) of this section. Only investment earnings arising 47368
from investment of the principal or investment of such additions 47369
to principal may be considered an unencumbered balance or revenue 47370
under those divisions. 47371

(F) The total expenditures calculated pursuant to division 47372
(C) of this section, less the deductions authorized in divisions 47373
(D) and (E) of this section, shall be known as the "relative need" 47374
of the subdivision, for the purposes of this section. 47375

(G) The budget commission shall total the relative need of 47376
all participating subdivisions in the county, and shall compute a 47377
relative need factor by dividing the total estimate of the 47378
undivided local government fund by the total relative need of all 47379
participating subdivisions. 47380

(H) The relative need of each subdivision shall be multiplied 47381
by the relative need factor to determine the proportionate share 47382
of the subdivision in the undivided local ~~government~~ communities 47383
fund of the county; provided, that the maximum proportionate share 47384
of a county shall not exceed the following maximum percentages of 47385
the total estimate of the undivided local ~~government~~ communities 47386
fund governed by the relationship of the percentage of the 47387
population of the county that resides within municipal 47388
corporations within the county to the total population of the 47389
county as reported in the reports on population in Ohio by the 47390
department of development as of the twentieth day of July of the 47391
year in which the tax budget is filed with the budget commission: 47392

Percentage of	Percentage share	
municipal population	of the county	47393
within the county:	shall not exceed:	47394
Less than forty-one per cent	Sixty per cent	47395
Forty-one per cent or more but less		47396
than eighty-one per cent	Fifty per cent	47397
		47398

Eighty-one per cent or more	Thirty per cent	47399
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Where the proportionate share of the county exceeds the		47400
limitations established in this division, the budget commission		47401
shall adjust the proportionate shares determined pursuant to this		47402
division so that the proportionate share of the county does not		47403
exceed these limitations, and it shall increase the proportionate		47404
shares of all other subdivisions on a pro rata basis. In counties		47405
having a population of less than one hundred thousand, not less		47406
than ten per cent shall be distributed to the townships therein.		47407

(I) The proportionate share of each subdivision in the		47408
undivided local government <u>communities</u> fund determined pursuant to		47409
division (H) of this section for any calendar year shall not be		47410
less than the product of the average of the percentages of the		47411
undivided local government fund of the county as apportioned to		47412
that subdivision for the calendar years 1968, 1969, and 1970,		47413
multiplied by the total amount of the undivided local government		47414
fund of the county apportioned pursuant to former section 5735.23		47415
of the Revised Code for the calendar year 1970. For the purposes		47416
of this division, the total apportioned amount for the calendar		47417
year 1970 shall be the amount actually allocated to the county in		47418
1970 from the state collected intangible tax as levied by section		47419
5707.03 of the Revised Code and distributed pursuant to section		47420
5725.24 of the Revised Code, plus the amount received by the		47421
county in the calendar year 1970 pursuant to division (B)(1) of		47422
former section 5739.21 of the Revised Code, and distributed		47423
pursuant to former section 5739.22 of the Revised Code. If the		47424
total amount of the undivided local government <u>communities</u> fund		47425
for any calendar year is less than the amount of the undivided		47426
local government fund apportioned pursuant to former section		47427
5739.23 of the Revised Code for the calendar year 1970, the		47428
minimum amount guaranteed to each subdivision for that calendar		47429
year pursuant to this division shall be reduced on a basis		47430
proportionate to the amount by which the amount of the undivided		47431

local ~~government~~ communities fund for that calendar year is less 47432
than the amount of the undivided local government fund apportioned 47433
for the calendar year 1970. 47434

(J) On the basis of such apportionment, the county auditor 47435
shall compute the percentage share of each such subdivision in the 47436
undivided local ~~government~~ communities fund and shall at the same 47437
time certify to the tax commissioner the percentage share of the 47438
county as a subdivision. No payment shall be made from the 47439
undivided local ~~government~~ communities fund, except in accordance 47440
with such percentage shares. 47441

Within ten days after the budget commission has made its 47442
apportionment, whether conducted pursuant to section 5747.51 or 47443
5747.53 of the Revised Code, the auditor shall publish a list of 47444
the subdivisions and the amount each is to receive from the 47445
undivided local ~~government~~ communities fund and the percentage 47446
share of each subdivision, in a newspaper or newspapers of 47447
countywide circulation, and send a copy of such allocation to the 47448
tax commissioner. 47449

The county auditor shall also send by certified mail, return 47450
receipt requested, a copy of such allocation to the fiscal officer 47451
of each subdivision entitled to participate in the allocation of 47452
the undivided local ~~government~~ communities fund of the county. 47453
This copy shall constitute the official notice of the commission 47454
action referred to in section 5705.37 of the Revised Code. 47455

All money received into the treasury of a subdivision from 47456
the undivided local ~~government~~ communities fund in a county 47457
treasury shall be paid into the general fund and used for the 47458
current operating expenses of the subdivision. 47459

If a municipal corporation maintains a municipal university, 47460
such municipal university, when the board of trustees so requests 47461
the legislative authority of the municipal corporation, shall 47462

participate in the money apportioned to such municipal corporation 47463
from the total local ~~government~~ communities fund, however created 47464
and constituted, in such amount as requested by the board of 47465
trustees, provided such sum does not exceed nine per cent of the 47466
total amount paid to the municipal corporation. 47467

If any public official fails to maintain the records required 47468
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 47469
issued by the tax commissioner, the auditor of state, or the 47470
treasurer of state pursuant to such sections, or fails to comply 47471
with any law relating to the enforcement of such sections, the 47472
local ~~government~~ communities fund money allocated to the county 47473
~~shall~~ may be withheld until such time as the public official has 47474
complied with such sections or such law or the rules issued 47475
pursuant thereto. 47476

Sec. 5747.52. The form used by the county budget commission 47477
to calculate subdivision shares of the undivided local ~~government~~ 47478
communities fund as apportioned pursuant to section 5747.51 of the 47479
Revised Code shall be as follows: 47480

Calculation of (name of subdivision) share of 47481
undivided local ~~government~~ communities fund for 47482
(name of county) county 47483

Authorized expenditure for subdivision	Total	
1. Estimated expenditures from general fund	47485
2. Estimated expenditures from special funds other than	47486
those established for road and bridge, street		
construction, maintenance, and state highway		
improvement, and for gas, water, sewer, and electric		
public utilities		
3. Total	47487
Deductions from authorized expenditures		47488
4. Expenditures for permanent improvements	47489

5. Transfers to road and bridge fund (counties and townships only)	.....	47490
6. Transfers to street construction, maintenance, and repair, and state highway improvements funds	.....	47491
7. Expenditures for the payment of debt charges	.....	47492
8. Expenditures for the payment of judgments	.....	47493
9. Taxes levied inside the "ten-mill limitation"	.....	47494
10. Budget commission allocation of estimated county library and local government support libraries fund revenues	.....	47495
11. Estimated unencumbered balances as of December 31 of current year in the general funds as stated in the tax budget	.....	47496
12. Revenue, including transfers, shown in the general fund or any special funds other than special funds established for road and bridge, street construction, maintenance, and repair, and state highway improvement, and for gas, water, sewer, and electric public utilities, from all other sources except those from additional taxes or service charges voted by electorate as defined in division (E)(4) of section 5747.51 of the Revised Code, and except revenue from special assessment and revenue bond collections	.....	47497
13. Total	.....	47498
Calculation of subdivision share		47499
14. Relative need of subdivision (line 3 less line 13)	.....	47500
15. Relative need factor for county (total estimate of undivided local government <u>communities</u> fund divided by total relative need of all participating subdivisions)	.....	47501
16. Proportionate share of subdivision (relative need of subdivision multiplied by relative need factor)	.....	47502
17. After any adjustments necessary to comply with statutory maximum share allowable to county	.....	47503

18. After any adjustments necessary to comply with 47504
statutory minimum share allowable to townships

19. After any adjustments necessary to comply with 47505
minimum guarantee in division (I) of section 5747.51 of
the Revised Code

20. Proportionate share of subdivision (line 16, 17, 47506
18, or 19, whichever is appropriate)

Sec. 5747.53. (A) As used in this section: 47507

(1) "City, located wholly or partially in the county, with 47508
the greatest population" means the city, located wholly or 47509
partially in the county, with the greatest population residing in 47510
the county; however, if the county budget commission on or before 47511
January 1, 1998, adopted an alternative method of apportionment 47512
that was approved by the legislative authority of the city, 47513
located partially in the county, with the greatest population but 47514
not the greatest population residing in the county, "city, located 47515
wholly or partially in the county, with the greatest population" 47516
means the city, located wholly or partially in the county, with 47517
the greatest population whether residing in the county or not, if 47518
this alternative meaning is adopted by action of the board of 47519
county commissioners and a majority of the boards of township 47520
trustees and legislative authorities of municipal corporations 47521
located wholly or partially in the county. If the county budget 47522
commission adopted a method or formula for apportioning the 47523
undivided local government fund under this section as this section 47524
existed on the effective date of its amendment byB. 47525
..... of the 127th general assembly, and, if it were not for 47526
the amendment replacing "undivided local government fund" with 47527
"undivided local communities fund" the undivided local government 47528
fund would have been apportioned among subdivisions eligible to 47529
participate in the fund on the basis of such method or formula, 47530
then such method or formula shall be used to apportion the 47531

undivided local communities fund among subdivisions eligible to 47532
participate in the fund. 47533

(2) "Participating political subdivision" means a municipal 47534
corporation or township that satisfies all of the following: 47535

(a) It is located wholly or partially in the county. 47536

(b) It is not the city, located wholly or partially in the 47537
county, with the greatest population. 47538

(c) Undivided local ~~government~~ communities fund moneys are 47539
apportioned to it under the county's alternative method or formula 47540
of apportionment in the current calendar year. 47541

(B) In lieu of the method of apportionment of the undivided 47542
local ~~government~~ communities fund of the county provided by 47543
section 5747.51 of the Revised Code, the county budget commission 47544
may provide for the apportionment of the fund under an alternative 47545
method or on a formula basis as authorized by this section. 47546

Except as otherwise provided in division (C) of this section, 47547
the alternative method of apportionment shall have first been 47548
approved by all of the following governmental units: the board of 47549
county commissioners; the legislative authority of the city, 47550
located wholly or partially in the county, with the greatest 47551
population; and a majority of the boards of township trustees and 47552
legislative authorities of municipal corporations, located wholly 47553
or partially in the county, excluding the legislative authority of 47554
the city, located wholly or partially in the county, with the 47555
greatest population. In granting or denying approval for an 47556
alternative method of apportionment, the board of county 47557
commissioners, boards of township trustees, and legislative 47558
authorities of municipal corporations shall act by motion. A 47559
motion to approve shall be passed upon a majority vote of the 47560
members of a board of county commissioners, board of township 47561
trustees, or legislative authority of a municipal corporation, 47562

shall take effect immediately, and need not be published. 47563

Any alternative method of apportionment adopted and approved 47564
under this division may be revised, amended, or repealed in the 47565
same manner as it may be adopted and approved. If an alternative 47566
method of apportionment adopted and approved under this division 47567
is repealed, the undivided local ~~government~~ communities fund of 47568
the county shall be apportioned among the subdivisions eligible to 47569
participate in the fund, commencing in the ensuing calendar year, 47570
under the apportionment provided in section 5747.52 of the Revised 47571
Code, unless the repeal occurs by operation of division (C) of 47572
this section or a new method for apportionment of the fund is 47573
provided in the action of repeal. 47574

(C) This division applies only in counties in which the city, 47575
located wholly or partially in the county, with the greatest 47576
population has a population of twenty thousand or less and a 47577
population that is less than fifteen per cent of the total 47578
population of the county. In such a county, the legislative 47579
authorities or boards of township trustees of two or more 47580
participating political subdivisions, which together have a 47581
population residing in the county that is a majority of the total 47582
population of the county, each may adopt a resolution to exclude 47583
the approval otherwise required of the legislative authority of 47584
the city, located wholly or partially in the county, with the 47585
greatest population. All of the resolutions to exclude that 47586
approval shall be adopted not later than the first Monday of 47587
August of the year preceding the calendar year in which 47588
distributions are to be made under an alternative method of 47589
apportionment. 47590

A motion granting or denying approval of an alternative 47591
method of apportionment under this division shall be adopted by a 47592
majority vote of the members of the board of county commissioners 47593
and by a majority vote of a majority of the boards of township 47594

trustees and legislative authorities of the municipal corporations 47595
located wholly or partially in the county, other than the city, 47596
located wholly or partially in the county, with the greatest 47597
population, shall take effect immediately, and need not be 47598
published. The alternative method of apportionment under this 47599
division shall be adopted and approved annually, not later than 47600
the first Monday of August of the year preceding the calendar year 47601
in which distributions are to be made under it. A motion granting 47602
approval of an alternative method of apportionment under this 47603
division repeals any existing alternative method of apportionment, 47604
effective with distributions to be made from the fund in the 47605
ensuing calendar year. An alternative method of apportionment 47606
under this division shall not be revised or amended after the 47607
first Monday of August of the year preceding the calendar year in 47608
which distributions are to be made under it. 47609

(D) In determining an alternative method of apportionment 47610
authorized by this section, the county budget commission may 47611
include in the method any factor considered to be appropriate and 47612
reliable, in the sole discretion of the county budget commission. 47613

(E) The limitations set forth in section 5747.51 of the 47614
Revised Code, stating the maximum amount that the county may 47615
receive from the undivided local ~~government~~ communities fund and 47616
the minimum amount the townships in counties having a population 47617
of less than one hundred thousand may receive from the fund, are 47618
applicable to any alternative method of apportionment authorized 47619
under this section. 47620

(F) On the basis of any alternative method of apportionment 47621
adopted and approved as authorized by this section, as certified 47622
by the auditor to the county treasurer, the county treasurer shall 47623
make distribution of the money in the undivided local ~~government~~ 47624
communities fund to each subdivision eligible to participate in 47625
the fund, and the auditor, when the amount of those shares is in 47626

the custody of the treasurer in the amounts so computed to be due 47627
the respective subdivisions, shall at the same time certify to the 47628
tax commissioner the percentage share of the county as a 47629
subdivision. All money received into the treasury of a subdivision 47630
from the undivided local ~~government~~ communities fund in a county 47631
treasury shall be paid into the general fund and used for the 47632
current operating expenses of the subdivision. If a municipal 47633
corporation maintains a municipal university, the university, when 47634
the board of trustees so requests the legislative authority of the 47635
municipal corporation, shall participate in the money apportioned 47636
to the municipal corporation from the total local ~~government~~ 47637
communities fund, however created and constituted, in the amount 47638
requested by the board of trustees, provided that amount does not 47639
exceed nine per cent of the total amount paid to the municipal 47640
corporation. 47641

(G) The actions of the county budget commission taken 47642
pursuant to this section are final and may not be appealed to the 47643
board of tax appeals, except on the issues of abuse of discretion 47644
and failure to comply with the formula. 47645

Sec. 5747.54. The tax commissioner ~~shall not distribute~~ may 47646
withhold distributions of local ~~government~~ communities fund money 47647
to any county where the county auditor has failed to certify to 47648
the tax commissioner the percentage share of the undivided local 47649
~~government~~ communities fund of the county as a subdivision for the 47650
year for which distribution is to be made. The director ~~shall~~ of 47651
budget and management may direct the tax commissioner to withhold 47652
from ~~such~~ a county the percentage of the amount distributable 47653
thereto that constitutes the share of the county as a subdivision 47654
of the local communities fund so long as such county is indebted 47655
or otherwise obligated to the state, until such indebtedness or 47656
other obligation has been duly paid, but no distribution of such 47657
percentage share of the local ~~government~~ communities fund shall be 47658

withheld unless an itemized statement of such indebtedness is 47659
furnished the county auditor of the county from which the 47660
indebtedness is due at least thirty days prior to the withholding 47661
of the distribution. 47662

Any indebtedness or obligation of the state to a county shall 47663
be deducted from the amount owing to the state by such county in 47664
determining the indebtedness or obligation as to which 47665
distribution is withheld. 47666

Sec. 5747.55. The action of the county budget commission 47667
under sections 5747.51 and 5747.62 of the Revised Code may be 47668
appealed to the board of tax appeals in the manner and with the 47669
effect provided in section 5705.37 of the Revised Code, in 47670
accordance with the following rules: 47671

(A) The notice of appeal shall be signed by the authorized 47672
fiscal officer and shall set forth in clear and concise language: 47673

(1) A statement of the action of the budget commission 47674
appealed from, and the date of the receipt by the subdivision of 47675
the official certificate or notice of such action; 47676

(2) The error or errors the taxing district believes the 47677
budget commission made; 47678

(3) The specific relief sought by the taxing district. 47679

(B) The notice of appeal shall have attached thereto: 47680

(1) A certified copy of the resolution of the taxing 47681
authority authorizing the fiscal officer to file the appeal; 47682

(2) An exact copy of the official certificate, or notice of 47683
the action of the budget commission appealed from; 47684

(3) An exact copy of the budget request filed with the budget 47685
commission by the complaining subdivision, with the date of filing 47686
noted thereon. 47687

(C) There shall also be attached to the notice of appeal a statement showing: 47688
47689

(1) The name of the fund involved, the total amount in dollars allocated, and the exact amount in dollars allocated to each participating subdivision; 47690
47691
47692

(2) The amount in dollars which the complaining subdivision believes it should have received; 47693
47694

(3) The name of each participating subdivision, as well as the name and address of the fiscal officer thereof, that the complaining subdivision believes received more than its proper share of the allocation, and the exact amount in dollars of such alleged over-allocation. 47695
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47697
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(D) Only the participating subdivisions named pursuant to division (C) of this section are to be considered as appellees before the board of tax appeals and no change shall, in any amount, be made in the amount allocated to participating subdivisions not appellees. 47700
47701
47702
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47704

(E) The total of the undivided local government fund ~~or~~, undivided local government revenue assistance fund, or local communities fund to be allocated by the board of tax appeals upon appeal is the total of that fund allocated by the budget commission to those subdivisions which are appellants and appellees before the board of tax appeals. 47705
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Sec. 5748.01. As used in this chapter: 47711

(A) "School district income tax" means an income tax adopted under one of the following: 47712
47713

(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly; 47714
47715
47716

(2) Section 5748.03 of the Revised Code as enacted in 47717

Substitute Senate Bill No. 28 of the 118th general assembly;	47718
(3) Section 5748.08 of the Revised Code as enacted in Amended	47719
Substitute Senate Bill No. 17 of the 122nd general assembly;	47720
(4) Section 5748.021 of the Revised Code;	47721
(5) Section 5748.081 of the Revised Code.	47722
(B) "Individual" means an individual subject to the tax	47723
levied by section 5747.02 of the Revised Code.	47724
(C) "Estate" means an estate subject to the tax levied by	47725
section 5747.02 of the Revised Code.	47726
(D) "Taxable year" means a taxable year as defined in	47727
division (M) of section 5747.01 of the Revised Code.	47728
(E) "Taxable income" means:	47729
(1) In the case of an individual, one of the following, as	47730
specified in the resolution imposing the tax:	47731
(a) Ohio adjusted gross income for the taxable year as	47732
defined in division (A) of section 5747.01 of the Revised Code,	47733
less the exemptions provided by section 5747.02 of the Revised	47734
Code;	47735
(b) Wages, salaries, tips, and other employee compensation to	47736
the extent included in Ohio adjusted gross income as defined in	47737
section 5747.01 of the Revised Code, and net earnings from	47738
self-employment, as defined in section 1402(a) of the Internal	47739
Revenue Code, to the extent included in Ohio adjusted gross	47740
income.	47741
(2) In the case of an estate, taxable income for the taxable	47742
year as defined in division (S) of section 5747.01 of the Revised	47743
Code.	47744
(F) "Resident" of the school district means:	47745
(1) An individual who is a resident of this state as defined	47746

in division (I) of section 5747.01 of the Revised Code during all 47747
or a portion of the taxable year and who, during all or a portion 47748
of such period of state residency, is domiciled in the school 47749
district or lives in and maintains a permanent place of abode in 47750
the school district; 47751

(2) An estate of a decedent who, at the time of death, was 47752
domiciled in the school district. 47753

(G) "School district income" means: 47754

(1) With respect to an individual, the portion of the taxable 47755
income of an individual that is received by the individual during 47756
the portion of the taxable year that the individual is a resident 47757
of the school district and the school district income tax is in 47758
effect in that school district. An individual may have school 47759
district income with respect to more than one school district. 47760

(2) With respect to an estate, the taxable income of the 47761
estate for the portion of the taxable year that the school 47762
district income tax is in effect in that school district. 47763

(H) "Taxpayer" means an individual or estate having school 47764
district income upon which a school district income tax is 47765
imposed. 47766

(I) "School district purposes" means any of the purposes for 47767
which a tax may be levied pursuant to section 5705.21 of the 47768
Revised Code, including the combined purposes authorized by 47769
section 5705.217 of the Revised Code. 47770

Sec. 5748.02. (A) The board of education of any school 47771
district, except a joint vocational school district, may declare, 47772
by resolution, the necessity of raising annually a specified 47773
amount of money for school district purposes. The resolution shall 47774
specify whether the income that is to be subject to the tax is 47775
taxable income of individuals and estates as defined in divisions 47776

(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 47777
taxable income of individuals as defined in division (E)(1)(b) of 47778
that section. A copy of the resolution shall be certified to the 47779
tax commissioner no later than eighty-five days prior to the date 47780
of the election at which the board intends to propose a levy under 47781
this section. Upon receipt of the copy of the resolution, the tax 47782
commissioner shall estimate both of the following: 47783

(1) The property tax rate that would have to be imposed in 47784
the current year by the district to produce an equivalent amount 47785
of money; 47786

(2) The income tax rate that would have had to have been in 47787
effect for the current year to produce an equivalent amount of 47788
money from a school district income tax. 47789

Within ten days of receiving the copy of the board's 47790
resolution, the commissioner shall prepare these estimates and 47791
certify them to the board. Upon receipt of the certification, the 47792
board may adopt a resolution proposing an income tax under 47793
division (B) of this section at the estimated rate contained in 47794
the certification rounded to the nearest one-fourth of one per 47795
cent. The commissioner's certification applies only to the board's 47796
proposal to levy an income tax at the election for which the board 47797
requested the certification. If the board intends to submit a 47798
proposal to levy an income tax at any other election, it shall 47799
request another certification for that election in the manner 47800
prescribed in this division. 47801

(B)(1) Upon the receipt of a certification from the tax 47802
commissioner under division (A) of this section, a majority of the 47803
members of a board of education may adopt a resolution proposing 47804
the levy of an annual tax for school district purposes on school 47805
district income. The proposed levy may be for a continuing period 47806
of time or for a specified number of years. The resolution shall 47807
set forth the purpose for which the tax is to be imposed, the rate 47808

of the tax, which shall be the rate set forth in the 47809
commissioner's certification rounded to the nearest one-fourth of 47810
one per cent, the number of years the tax will be levied or that 47811
it will be levied for a continuing period of time, the date on 47812
which the tax shall take effect, which shall be the first day of 47813
January of any year following the year in which the question is 47814
submitted, and the date of the election at which the proposal 47815
shall be submitted to the electors of the district, which shall be 47816
on the date of a primary, general, or special election the date of 47817
which is consistent with section 3501.01 of the Revised Code. The 47818
resolution shall specify whether the income that is to be subject 47819
to the tax is taxable income of individuals and estates as defined 47820
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 47821
Code or taxable income of individuals as defined in division 47822
(E)(1)(b) of that section. The specification shall be the same as 47823
the specification in the resolution adopted and certified under 47824
division (A) of this section. ~~¶~~ 47825

If the tax is to be levied for current expenses and permanent 47826
improvements, the resolution shall apportion the annual rate of 47827
the tax. The apportionment may be the same or different for each 47828
year the tax is levied, but the respective portions of the rate 47829
actually levied each year for current expenses and for permanent 47830
improvements shall be limited by the apportionment. 47831

If the board of education currently imposes an income tax 47832
pursuant to this chapter that is due to expire and a question is 47833
submitted under this section for a proposed income tax to take 47834
effect upon the expiration of the existing tax, the board may 47835
specify in the resolution that the proposed tax renews the 47836
expiring tax and is not an additional income tax, provided that 47837
the tax rate being proposed is no higher than the tax rate that is 47838
currently imposed. 47839

(2) A board of education adopting a resolution under division 47840

(B)(1) of this section proposing a school district income tax for 47841
a continuing period of time and limited to the purpose of current 47842
expenses may propose in that resolution to reduce the rate or 47843
rates of one or more of the school district's property taxes 47844
levied for a continuing period of time in excess of the ten-mill 47845
limitation for the purpose of current expenses. The reduction in 47846
the rate of a property tax may be any amount, expressed in mills 47847
per one dollar in valuation, not exceeding the rate at which the 47848
tax is authorized to be levied. The reduction in the rate of a tax 47849
shall first take effect for the tax year that includes the day on 47850
which the school district income tax first takes effect, and shall 47851
continue for each tax year that both the school district income 47852
tax and the property tax levy are in effect. 47853

In addition to the matters required to be set forth in the 47854
resolution under division (B)(1) of this section, a resolution 47855
containing a proposal to reduce the rate of one or more property 47856
taxes shall state for each such tax the maximum rate at which it 47857
currently may be levied and the maximum rate at which the tax 47858
could be levied after the proposed reduction, expressed in mills 47859
per one dollar in valuation, and that the tax is levied for a 47860
continuing period of time. 47861

If a board of education proposes to reduce the rate of one or 47862
more property taxes under division (B)(2) of this section, the 47863
board, when it makes the certification required under division (A) 47864
of this section, shall designate the specific levy or levies to be 47865
reduced, the maximum rate at which each levy currently is 47866
authorized to be levied, and the rate by which each levy is 47867
proposed to be reduced. The tax commissioner, when making the 47868
certification to the board under division (A) of this section, 47869
also shall certify the reduction in the total effective tax rate 47870
for current expenses for each class of property that would have 47871
resulted if the proposed reduction in the rate or rates had been 47872

in effect the previous tax year. As used in this paragraph, 47873
"effective tax rate" has the same meaning as in section 323.08 of 47874
the Revised Code. 47875

(C) A resolution adopted under division (B) of this section 47876
shall go into immediate effect upon its passage, and no 47877
publication of the resolution shall be necessary other than that 47878
provided for in the notice of election. Immediately after its 47879
adoption and at least seventy-five days prior to the election at 47880
which the question will appear on the ballot, a copy of the 47881
resolution shall be certified to the board of elections of the 47882
proper county, which shall submit the proposal to the electors on 47883
the date specified in the resolution. The form of the ballot shall 47884
be as provided in section 5748.03 of the Revised Code. Publication 47885
of notice of the election shall be made in one or more newspapers 47886
of general circulation in the county once a week for two 47887
consecutive weeks prior to the election, and, if the board of 47888
elections operates and maintains a web site, the board of 47889
elections shall post notice of the election on its web site for 47890
thirty days prior to the election. The notice shall contain the 47891
time and place of the election and the question to be submitted to 47892
the electors. The question covered by the resolution shall be 47893
submitted as a separate proposition, but may be printed on the 47894
same ballot with any other proposition submitted at the same 47895
election, other than the election of officers. 47896

(D) No board of education shall submit the question of a tax 47897
on school district income to the electors of the district more 47898
than twice in any calendar year. If a board submits the question 47899
twice in any calendar year, one of the elections on the question 47900
shall be held on the date of the general election. 47901

(E)(1) No board of education may submit to the electors of 47902
the district the question of a tax on school district income on 47903
the taxable income of individuals as defined in division (E)(1)(b) 47904

of section 5748.01 of the Revised Code if that tax would be in 47905
addition to an existing tax on the taxable income of individuals 47906
and estates as defined in divisions (E)(1)(a) and (2) of that 47907
section. 47908

(2) No board of education may submit to the electors of the 47909
district the question of a tax on school district income on the 47910
taxable income of individuals and estates as defined in divisions 47911
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 47912
tax would be in addition to an existing tax on the taxable income 47913
of individuals as defined in division (E)(1)(b) of that section. 47914

Sec. 5748.022. A majority of the members of a board of 47915
education of a school district levying a tax under section 5748.02 47916
of the Revised Code may adopt a resolution reducing the rate of 47917
the tax by a multiple of one-fourth of one per cent. 47918

The resolution shall set forth the current rate of the tax, 47919
the reduced rate of tax that results from adoption of the 47920
resolution, the purpose or purposes for which the tax is levied, 47921
the remaining number of years the tax will be levied or that it is 47922
levied for a continuing period of time, and the date on which the 47923
reduced tax rate shall take effect, which shall be the ensuing 47924
first day of January occurring at least sixty days after a copy of 47925
the resolution is certified to the tax commissioner. 47926

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 47927
the Revised Code: 47928

(1) "School district," "joint vocational school district," 47929
"local taxing unit," ~~"state education aid,"~~ "recognized 47930
valuation," "fixed-rate levy," and "fixed-sum levy" have the same 47931
meanings as used in section 5727.84 of the Revised Code. 47932

(2) "State education aid" for a school district means the sum 47933
of state aid amounts computed for the district under divisions 47934

(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 47935
divisions (B), (C), and (D) of section 3317.023; divisions (L) and 47936
(N) of section 3317.024; section 3317.0216; and any unit payments 47937
for gifted student services paid under sections 3317.05, 3317.052, 47938
and 3317.053 of the Revised Code; except that, for fiscal years 47939
2008 and 2009, the amount computed for the district under Section 47940
..... in this act ("Transportation") and as that section 47941
subsequently may be amended shall be substituted for the amount 47942
computed under division (D) of section 3317.022 of the Revised 47943
Code, and the amount computed under Section in this act 47944
("Transitional Aid") and as that section subsequently may be 47945
amended shall be included. 47946

(3) "State education aid" for a joint vocational school 47947
district means the sum of the state aid computed for the district 47948
under division (N) of section 3317.024 and section 3317.16 of the 47949
Revised Code, except that, for fiscal years 2008 and 2009, the 47950
amount computed under Section in this act ("Transitional 47951
Aid") and as that section subsequently may be amended shall be 47952
included. 47953

(4) "State education aid offset" means the amount determined 47954
for each school district or joint vocational school district under 47955
division (A)(1) of section 5751.21 of the Revised Code. 47956

~~(3)~~(5) "Machinery and equipment property tax value loss" 47957
means the amount determined under division (C)(1) of this section. 47958

~~(4)~~(6) "Inventory property tax value loss" means the amount 47959
determined under division (C)(2) of this section. 47960

~~(5)~~(7) "Furniture and fixtures property tax value loss" means 47961
the amount determined under division (C)(3) of this section. 47962

~~(6)~~(8) "Machinery and equipment fixed-rate levy loss" means 47963
the amount determined under division (D)(1) of this section. 47964

~~(7)~~(9) "Inventory fixed-rate levy loss" means the amount 47965

determined under division (D)(2) of this section. 47966

~~(8)~~(10) "Furniture and fixtures fixed-rate levy loss" means 47967
the amount determined under division (D)(3) of this section. 47968

~~(9)~~(11) "Total fixed-rate levy loss" means the sum of the 47969
machinery and equipment fixed-rate levy loss, the inventory 47970
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 47971
loss, and the telephone company fixed-rate levy loss. 47972

~~(10)~~(12) "Fixed-sum levy loss" means the amount determined 47973
under division (E) of this section. 47974

~~(11)~~(13) "Machinery and equipment" means personal property 47975
subject to the assessment rate specified in division (F) of 47976
section 5711.22 of the Revised Code. 47977

~~(12)~~(14) "Inventory" means personal property subject to the 47978
assessment rate specified in division (E) of section 5711.22 of 47979
the Revised Code. 47980

~~(13)~~(15) "Furniture and fixtures" means personal property 47981
subject to the assessment rate specified in division (G) of 47982
section 5711.22 of the Revised Code. 47983

~~(14)~~(16) "Qualifying levies" are levies in effect for tax 47984
year 2004 or applicable to tax year 2005 or approved at an 47985
election conducted before September 1, 2005. For the purpose of 47986
determining the rate of a qualifying levy authorized by section 47987
5705.212 or 5705.213 of the Revised Code, the rate shall be the 47988
rate that would be in effect for tax year 2010. 47989

~~(15)~~(17) "Telephone property" means tangible personal 47990
property of a telephone, telegraph, or interexchange 47991
telecommunications company subject to an assessment rate specified 47992
in section 5727.111 of the Revised Code in tax year 2004. 47993

~~(16)~~(18) "Telephone property tax value loss" means the amount 47994
determined under division (C)(4) of this section. 47995

~~(17)~~(19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section.

(B) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. All money in that fund shall be credited for each fiscal year in the following percentages to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.21 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.22 of the Revised Code, in the following percentages:

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	48011
2007	0%	70.0%	30.0%	48012
2008	0%	70.0%	30.0%	48013
2009	0%	70.0%	30.0%	48014
2010	0%	70.0%	30.0%	48015
2011	0%	70.0%	30.0%	48016
2012	5.3%	70.0%	24.7%	48017
2013	19.4%	70.0%	10.6%	48018
2014	14.1%	70.0%	15.9%	48019
2015	17.6%	70.0%	12.4%	48020
2016	21.1%	70.0%	8.9%	48021
2017	24.6%	70.0%	5.4%	48022
2018	28.1%	70.0%	1.9%	48023
2019 and	100%	0%	0%	48024

thereafter

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;

(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;

(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;

(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.

(3) Furniture and fixtures property tax value loss is the	48054
taxable value of furniture and fixture property as reported by	48055
taxpayers for tax year 2004 multiplied by:	48056
(a) For tax year 2006, twenty-five per cent;	48057
(b) For tax year 2007, fifty per cent;	48058
(c) For tax year 2008, seventy-five per cent;	48059
(d) For tax year 2009 and thereafter, one hundred per cent.	48060
The taxable value of property reported by taxpayers used in	48061
divisions (C)(1), (2), and (3) of this section shall be such	48062
values as determined to be final by the tax commissioner as of	48063
August 31, 2005. Such determinations shall be final except for any	48064
correction of a clerical error that was made prior to August 31,	48065
2005, by the tax commissioner.	48066
(4) Telephone property tax value loss is the taxable value of	48067
telephone property as taxpayers would have reported that property	48068
for tax year 2004 if the assessment rate for all telephone	48069
property for that year were twenty-five per cent, multiplied by:	48070
(a) For tax year 2006, zero per cent;	48071
(b) For tax year 2007, zero per cent;	48072
(c) For tax year 2008, zero per cent;	48073
(d) For tax year 2009, sixty per cent;	48074
(e) For tax year 2010, eighty per cent;	48075
(f) For tax year 2011 and thereafter, one hundred per cent.	48076
(5) Division (C)(5) of this section applies to any school	48077
district, joint vocational school district, or local taxing unit	48078
in a county in which is located a facility currently or formerly	48079
devoted to the enrichment or commercialization of uranium or	48080
uranium products, and for which the total taxable value of	48081
property listed on the general tax list of personal property for	48082

any tax year from tax year 2001 to tax year 2004 was fifty per 48083
cent or less of the taxable value of such property listed on the 48084
general tax list of personal property for the next preceding tax 48085
year. 48086

In computing the fixed-rate levy losses under divisions 48087
(D)(1), (2), and (3) of this section for any school district, 48088
joint vocational school district, or local taxing unit to which 48089
division (C)(5) of this section applies, the taxable value of such 48090
property as listed on the general tax list of personal property 48091
for tax year 2000 shall be substituted for the taxable value of 48092
such property as reported by taxpayers for tax year 2004, in the 48093
taxing district containing the uranium facility, if the taxable 48094
value listed for tax year 2000 is greater than the taxable value 48095
reported by taxpayers for tax year 2004. For the purpose of making 48096
the computations under divisions (D)(1), (2), and (3) of this 48097
section, the tax year 2000 valuation is to be allocated to 48098
machinery and equipment, inventory, and furniture and fixtures 48099
property in the same proportions as the tax year 2004 values. For 48100
the purpose of the calculations in division (A) of section 5751.21 48101
of the Revised Code, the tax year 2004 taxable values shall be 48102
used. 48103

To facilitate the calculations required under division (C) of 48104
this section, the county auditor, upon request from the tax 48105
commissioner, shall provide by August 1, 2005, the values of 48106
machinery and equipment, inventory, and furniture and fixtures for 48107
all single-county personal property taxpayers for tax year 2004. 48108

(D) Not later than September 15, 2005, the tax commissioner 48109
shall determine for each tax year from 2006 through 2009 for each 48110
school district, joint vocational school district, and local 48111
taxing unit its machinery and equipment, inventory, and furniture 48112
and fixtures fixed-rate levy losses, and for each tax year from 48113
2006 through 2011 its telephone property fixed-rate levy loss, 48114

which are the applicable amounts described in divisions (D)(1), 48115
(2), (3), and (4) of this section: 48116

(1) The machinery and equipment fixed-rate levy loss is the 48117
machinery and equipment property tax value loss multiplied by the 48118
sum of the tax rates of fixed-rate qualifying levies. 48119

(2) The inventory fixed-rate loss is the inventory property 48120
tax value loss multiplied by the sum of the tax rates of 48121
fixed-rate qualifying levies. 48122

(3) The furniture and fixtures fixed-rate levy loss is the 48123
furniture and fixture property tax value loss multiplied by the 48124
sum of the tax rates of fixed-rate qualifying levies. 48125

(4) The telephone property fixed-rate levy loss is the 48126
telephone property tax value loss multiplied by the sum of the tax 48127
rates of fixed-rate qualifying levies. 48128

(E) Not later than September 15, 2005, the tax commissioner 48129
shall determine for each school district, joint vocational school 48130
district, and local taxing unit its fixed-sum levy loss. The 48131
fixed-sum levy loss is the amount obtained by subtracting the 48132
amount described in division (E)(2) of this section from the 48133
amount described in division (E)(1) of this section: 48134

(1) The sum of the machinery and equipment property tax value 48135
loss, the inventory property tax value loss, and the furniture and 48136
fixtures property tax value loss, and, for 2008 through 2017 the 48137
telephone property tax value loss of the district or unit 48138
multiplied by the sum of the fixed-sum tax rates of qualifying 48139
levies. For 2006 through 2010, this computation shall include all 48140
qualifying levies remaining in effect for the current tax year and 48141
any school district emergency levies that are qualifying levies 48142
not remaining in effect for the current year. For 2011 through 48143
2017, this computation shall include only qualifying levies 48144
remaining in effect for the current year. For purposes of this 48145

computation, a qualifying school district emergency levy remains 48146
in effect in a year after 2010 only if, for that year, the board 48147
of education levies a school district emergency levy for an annual 48148
sum at least equal to the annual sum levied by the board in tax 48149
year 2004 less the amount of the payment certified under this 48150
division for 2006. 48151

(2) The total taxable value in tax year 2004 less the sum of 48152
the machinery and equipment, inventory, furniture and fixtures, 48153
and telephone property tax value losses in each school district, 48154
joint vocational school district, and local taxing unit multiplied 48155
by one-half of one mill per dollar. 48156

(3) For the calculations in divisions (E)(1) and (2) of this 48157
section, the tax value losses are those that would be calculated 48158
for tax year 2009 under divisions (C)(1), (2), and (3) of this 48159
section and for tax year 2011 under division (C)(4) of this 48160
section. 48161

(4) To facilitate the calculation under divisions (D) and (E) 48162
of this section, not later than September 1, 2005, any school 48163
district, joint vocational school district, or local taxing unit 48164
that has a qualifying levy that was approved at an election 48165
conducted during 2005 before September 1, 2005, shall certify to 48166
the tax commissioner a copy of the county auditor's certificate of 48167
estimated property tax millage for such levy as required under 48168
division (B) of section 5705.03 of the Revised Code, which is the 48169
rate that shall be used in the calculations under such divisions. 48170

If the amount determined under division (E) of this section 48171
for any school district, joint vocational school district, or 48172
local taxing unit is greater than zero, that amount shall equal 48173
the reimbursement to be paid pursuant to division (D) of section 48174
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 48175
and the one-half of one mill that is subtracted under division 48176
(E)(2) of this section shall be apportioned among all contributing 48177

fixed-sum levies in the proportion that each levy bears to the sum 48178
of all fixed-sum levies within each school district, joint 48179
vocational school district, or local taxing unit. 48180

(F) Not later than October 1, 2005, the tax commissioner 48181
shall certify to the department of education for every school 48182
district and joint vocational school district the machinery and 48183
equipment, inventory, furniture and fixtures, and telephone 48184
property tax value losses determined under division (C) of this 48185
section, the machinery and equipment, inventory, furniture and 48186
fixtures, and telephone fixed-rate levy losses determined under 48187
division (D) of this section, and the fixed-sum levy losses 48188
calculated under division (E) of this section. The calculations 48189
under divisions (D) and (E) of this section shall separately 48190
display the levy loss for each levy eligible for reimbursement. 48191

(G) Not later than October 1, 2005, the tax commissioner 48192
shall certify the amount of the fixed-sum levy losses to the 48193
county auditor of each county in which a school district, joint 48194
vocational school district, or local taxing unit with a fixed-sum 48195
levy loss reimbursement has territory. 48196

Sec. 5751.21. (A) Not later than the ~~thirty-first~~ fifteenth 48197
day of July of 2007 through 2017, the department of education 48198
shall consult with the director of budget and management and 48199
determine the following for each school district and each joint 48200
vocational school district eligible for payment under division (B) 48201
of this section: 48202

(1) The state education aid offset, which is the difference 48203
obtained by subtracting the amount described in division (A)(1)(b) 48204
of this section from the amount described in division (A)(1)(a) of 48205
this section: 48206

(a) The state education aid computed for the school district 48207
or joint vocational school district for the current fiscal year as 48208

of the ~~thirty-first~~ fifteenth day of July; 48209

(b) The state education aid that would be computed for the 48210
school district or joint vocational school district for the 48211
current fiscal year as of the ~~thirty-first~~ fifteenth day of July 48212
if the recognized valuation included the machinery and equipment, 48213
inventory, furniture and fixtures, and telephone property tax 48214
value losses for the school district or joint vocational school 48215
district for the second preceding tax year. 48216

(2) The greater of zero or the difference obtained by 48217
subtracting the state education aid offset determined under 48218
division (A)(1) of this section from the sum of the machinery and 48219
equipment fixed-rate levy loss, the inventory fixed-rate levy 48220
loss, furniture and fixtures fixed-rate levy loss, and telephone 48221
property fixed-rate levy loss certified under division (F) of 48222
section 5751.20 of the Revised Code for all taxing districts in 48223
each school district and joint vocational school district for the 48224
second preceding tax year. 48225

By the ~~fifth~~ twentieth day of ~~August~~ July of each such year, 48226
the department of education and the director of budget and 48227
management shall ~~certify~~ agree upon the amount ~~so to be~~ determined 48228
under division (A)(1) of this section ~~to the director of budget~~ 48229
~~and management~~. 48230

(B) The department of education shall pay from the school 48231
district tangible property tax replacement fund to each school 48232
district and joint vocational school district all of the following 48233
for fixed-rate levy losses certified under division (F) of section 48234
5751.20 of the Revised Code: 48235

(1) On or before May 31, 2006, one-seventh of the total 48236
fixed-rate levy loss for tax year 2006; 48237

(2) On or before August 31, 2006, and October 31, 2006, 48238
one-half of six-sevenths of the total fixed-rate levy loss for tax 48239

year 2006;	48240
(3) On or before May 31, 2007, one-seventh of the total	48241
fixed-rate levy loss for tax year 2007;	48242
(4) On or before August 31, 2007, and October 31, 2007,	48243
forty-three per cent of the amount determined under division	48244
(A)(2) of this section for fiscal year 2008, but not less than	48245
zero, plus one-half of six-sevenths of the difference between the	48246
total fixed-rate levy loss for tax year 2007 and the total	48247
fixed-rate levy loss for tax year 2006.	48248
(5) On or before May 31, 2008, fourteen per cent of the	48249
amount determined under division (A)(2) of this section for fiscal	48250
year 2008, but not less than zero, plus one-seventh of the	48251
difference between the total fixed-rate levy loss for tax year	48252
2008 and the total fixed-rate levy loss for tax year 2006.	48253
(6) On or before August 31, 2008, and October 31, 2008,	48254
forty-three per cent of the amount determined under division	48255
(A)(2) of this section for fiscal year 2009, but not less than	48256
zero, plus one-half of six-sevenths of the difference between the	48257
total fixed-rate levy loss in tax year 2008 and the total	48258
fixed-rate levy loss in tax year 2007.	48259
(7) On or before May 31, 2009, fourteen per cent of the	48260
amount determined under division (A)(2) of this section for fiscal	48261
year 2009, but not less than zero, plus one-seventh of the	48262
difference between the total fixed-rate levy loss for tax year	48263
2009 and the total fixed-rate levy loss for tax year 2007.	48264
(8) On or before August 31, 2009, and October 31, 2009,	48265
forty-three per cent of the amount determined under division	48266
(A)(2) of this section for fiscal year 2010, but not less than	48267
zero, plus one-half of six-sevenths of the difference between the	48268
total fixed-rate levy loss in tax year 2009 and the total	48269
fixed-rate levy loss in tax year 2008.	48270

(9) On or before May 31, 2010, fourteen per cent of the 48271
amount determined under division (A)(2) of this section for fiscal 48272
year 2010, but not less than zero, plus one-seventh of the 48273
difference between the total fixed-rate levy loss in tax year 2010 48274
and the total fixed-rate levy loss in tax year 2008. 48275

(10) On or before August 31, 2010, and October 31, 2010, 48276
one-third of the amount determined under division (A)(2) of this 48277
section for fiscal year 2011, but not less than zero, plus 48278
one-half of six-sevenths of the difference between the telephone 48279
property fixed-rate levy loss for tax year 2010 and the telephone 48280
property fixed-rate levy loss for tax year 2009. 48281

(11) On or before May 31, 2011, fourteen per cent of the 48282
amount determined under division (A)(2) of this section for fiscal 48283
year 2011, but not less than zero, plus one-seventh of the 48284
difference between the telephone property fixed-rate levy loss for 48285
tax year 2011 and the telephone property fixed-rate levy loss for 48286
tax year 2009. 48287

(12) On or before August 31, 2011, October 31, 2011, and May 48288
31, 2012, the amount determined under division (A)(2) of this 48289
section multiplied by a fraction, the numerator of which is 48290
fourteen and the denominator of which is seventeen, but not less 48291
than zero, multiplied by one-third, plus one-half of six-sevenths 48292
of the difference between the telephone property fixed-rate levy 48293
loss for tax year 2011 and the telephone property fixed-rate levy 48294
loss for tax year 2010. 48295

(13) On or before May 31, 2012, fourteen per cent of the 48296
amount determined under division (A)(2) of this section for fiscal 48297
year 2012, multiplied by a fraction, the numerator of which is 48298
fourteen and the denominator of which is seventeen, plus 48299
one-seventh of the difference between the telephone property 48300
fixed-rate levy loss for tax year 2011 and the telephone property 48301
fixed-rate levy loss for tax year 2010. 48302

(14) On or before August 31, 2012, October 31, 2012, and May 48303
31, 2013, the amount determined under division (A)(2) of this 48304
section multiplied by a fraction, the numerator of which is eleven 48305
and the denominator of which is seventeen, but not less than zero, 48306
multiplied by one-third. 48307

(15) On or before August 31, 2013, October 31, 2013, and May 48308
31, 2014, the amount determined under division (A)(2) of this 48309
section multiplied by a fraction, the numerator of which is nine 48310
and the denominator of which is seventeen, but not less than zero, 48311
multiplied by one-third. 48312

(16) On or before August 31, 2014, October 31, 2014, and May 48313
31, 2015, the amount determined under division (A)(2) of this 48314
section multiplied by a fraction, the numerator of which is seven 48315
and the denominator of which is seventeen, but not less than zero, 48316
multiplied by one-third. 48317

(17) On or before August 31, 2015, October 31, 2015, and May 48318
31, 2016, the amount determined under division (A)(2) of this 48319
section multiplied by a fraction, the numerator of which is five 48320
and the denominator of which is seventeen, but not less than zero, 48321
multiplied by one-third. 48322

(18) On or before August 31, 2016, October 31, 2016, and May 48323
31, 2017, the amount determined under division (A)(2) of this 48324
section multiplied by a fraction, the numerator of which is three 48325
and the denominator of which is seventeen, but not less than zero, 48326
multiplied by one-third. 48327

(19) On or before August 31, 2017, October 31, 2017, and May 48328
31, 2018, the amount determined under division (A)(2) of this 48329
section multiplied by a fraction, the numerator of which is one 48330
and the denominator of which is seventeen, but not less than zero, 48331
multiplied by one-third. 48332

(20) After May 31, 2018, no payments shall be made under this 48333

section. 48334

The department of education shall report to each school 48335
district and joint vocational school district the apportionment of 48336
the payments among the school district's or joint vocational 48337
school district's funds based on the certifications under division 48338
(F) of section 5751.20 of the Revised Code. 48339

Any qualifying levy that is a fixed-rate levy that is not 48340
applicable to a tax year after 2010 does not qualify for any 48341
reimbursement after the tax year to which it is last applicable. 48342

(C) For taxes levied within the ten-mill limitation for debt 48343
purposes in tax year 2005, payments shall be made equal to one 48344
hundred per cent of the loss computed as if the tax were a 48345
fixed-rate levy, but those payments shall extend from fiscal year 48346
2006 through fiscal year 2018, as long as the qualifying levy 48347
continues to be used for debt purposes. If the purpose of such a 48348
qualifying levy is changed, that levy becomes subject to the 48349
payments determined in division (B) of this section. 48350

(D)(1) Not later than January 1, 2006, for each fixed-sum 48351
levy of each school district or joint vocational school district 48352
and for each year for which a determination is made under division 48353
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 48354
loss is to be reimbursed, the tax commissioner shall certify to 48355
the department of education the fixed-sum levy loss determined 48356
under that division. The certification shall cover a time period 48357
sufficient to include all fixed-sum levies for which the 48358
commissioner made such a determination. The department shall pay 48359
from the school district property tax replacement fund to the 48360
school district or joint vocational school district one-third of 48361
the fixed-sum levy loss so certified for each year on or before 48362
the last day of May, August, and October of the current year. 48363

(2) Beginning in 2006, by the first day of January of each 48364

year, the tax commissioner shall review the certification 48365
originally made under division (D)(1) of this section. If the 48366
commissioner determines that a debt levy that had been scheduled 48367
to be reimbursed in the current year has expired, a revised 48368
certification for that and all subsequent years shall be made to 48369
the department of education. 48370

(E) Beginning in September 2007 and through June 2018, the 48371
director of budget and management shall transfer from the school 48372
district tangible property tax replacement fund to the general 48373
revenue fund each of the following: 48374

(1) On the first day of September, ~~the lesser of~~ one-fourth 48375
of the amount ~~certified~~ determined for that fiscal year under 48376
division (A)(1) of this section ~~or the balance in the school~~ 48377
~~district tangible property tax replacement fund;~~ 48378

(2) On the first day of December, ~~the lesser of~~ one-fourth of 48379
the amount ~~certified~~ determined for that fiscal year under 48380
division (A)(1) of this section ~~or the balance in the school~~ 48381
~~district tangible property tax replacement fund;~~ 48382

(3) On the first day of March, ~~the lesser of~~ one-fourth of 48383
the amount ~~certified~~ determined for that fiscal year under 48384
division (A)(1) of this section ~~or the balance in the school~~ 48385
~~district tangible property tax replacement fund;~~ 48386

(4) On the first day of June, ~~the lesser of~~ one-fourth of the 48387
amount ~~certified~~ determined for that fiscal year under division 48388
(A)(1) of this section ~~or the balance in the school district~~ 48389
~~tangible property tax replacement fund.~~ 48390

If, when a transfer is required under division (E)(1), (2), 48391
(3), or (4) of this section, there is not sufficient money in the 48392
school district tangible property tax replacement fund to make the 48393
transfer in the required amount, the director shall transfer the 48394
balance in the fund to the general revenue fund and may make 48395

additional transfers on later dates as determined by the director 48396
in a total amount that does not exceed one-fourth of the amount 48397
determined for the fiscal year. 48398

(F) For each of the fiscal years 2006 through 2018, if the 48399
total amount in the school district tangible property tax 48400
replacement fund is insufficient to make all payments under 48401
divisions (B), (C), and (D) of this section at the times the 48402
payments are to be made, the director of budget and management 48403
shall transfer from the general revenue fund to the school 48404
district tangible property tax replacement fund the difference 48405
between the total amount to be paid and the amount in the school 48406
district tangible property tax replacement fund. For each fiscal 48407
year after 2018, at the time payments under division (D) of this 48408
section are to be made, the director of budget and management 48409
shall transfer from the general revenue fund to the school 48410
district property tax replacement fund the amount necessary to 48411
make such payments. 48412

(G) On the fifteenth day of June of 2006 through 2011, the 48413
director of budget and management may transfer any balance in the 48414
school district tangible property tax replacement fund to the 48415
general revenue fund. At the end of fiscal years 2012 through 48416
2018, any balance in the school district tangible property tax 48417
replacement fund shall remain in the fund to be used in future 48418
fiscal years for school purposes. 48419

(H) If all of the territory of a school district or joint 48420
vocational school district is merged with another district, or if 48421
a part of the territory of a school district or joint vocational 48422
school district is transferred to an existing or newly created 48423
district, the department of education, in consultation with the 48424
tax commissioner, shall adjust the payments made under this 48425
section as follows: 48426

(1) For a merger of two or more districts, the machinery and 48427

equipment, inventory, furniture and fixtures, and telephone 48428
property fixed-rate levy losses and the fixed-sum levy losses of 48429
the successor district shall be equal to the sum of the machinery 48430
and equipment, inventory, furniture and fixtures, and telephone 48431
property fixed-rate levy losses and debt levy losses as determined 48432
in section 5751.20 of the Revised Code, for each of the districts 48433
involved in the merger. 48434

(2) If property is transferred from one district to a 48435
previously existing district, the amount of machinery and 48436
equipment, inventory, furniture and fixtures, and telephone 48437
property tax value losses and fixed-rate levy losses that shall be 48438
transferred to the recipient district shall be an amount equal to 48439
the total machinery and equipment, inventory, furniture and 48440
fixtures, and telephone property fixed-rate levy losses times a 48441
fraction, the numerator of which is the value of business tangible 48442
personal property on the land being transferred in the most recent 48443
year for which data are available, and the denominator of which is 48444
the total value of business tangible personal property in the 48445
district from which the land is being transferred in the most 48446
recent year for which data are available. For each of the first 48447
five years after the property is transferred, but not after fiscal 48448
year 2012, if the tax rate in the recipient district is less than 48449
the tax rate of the district from which the land was transferred, 48450
one-half of the payments arising from the amount of fixed-rate 48451
levy losses so transferred to the recipient district shall be paid 48452
to the recipient district and one-half of the payments arising 48453
from the fixed-rate levy losses so transferred shall be paid to 48454
the district from which the land was transferred. Fixed-rate levy 48455
losses so transferred shall be computed on the basis of the sum of 48456
the rates of fixed-rate qualifying levies of the district from 48457
which the land was transferred, notwithstanding division (D) of 48458
this section. 48459

(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. 5751.23. (A) As used in this section:

(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)~~(C) of section 319.54 and division (A) of section 321.26 of the Revised Code.

(2) "Administrative fee loss" means a county's loss of administrative fees due to its tax value loss, determined as follows:

(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 48491
dollars, or one and one thousand one hundred fifty-nine 48492
ten-thousandths of one per cent if total taxes collected in the 48493
county in 2004 were one hundred fifty million dollars or less; 48494

(b) For purposes of the determination under division (B) of 48495
this section in the years after 2010, the administrative fee 48496
losses shall be determined by multiplying the administrative fee 48497
losses calculated for 2010 by the fractions in divisions (A)(1)(b) 48498
to (i) of section 5751.22 of the Revised Code. 48499

(3) "Total taxes collected" means all money collected on any 48500
tax duplicate of the county, other than the estate tax duplicates. 48501
"Total taxes collected" does not include amounts received pursuant 48502
to divisions (F) and (G) of section 321.24 or section 323.156 of 48503
the Revised Code. 48504

(B) Not later than December 31, 2005, the tax commissioner 48505
shall certify to each county auditor the tax levy losses 48506
calculated under divisions (D) and (E) of section 5751.20 of the 48507
Revised Code for each school district, joint vocational school 48508
district, and local taxing unit in the county. Not later than the 48509
thirty-first day of January of 2006 through 2017, the county 48510
auditor shall determine the administrative fee loss for the county 48511
and apportion that loss ratably among the school districts, joint 48512
vocational school districts, and local taxing units on the basis 48513
of the tax levy losses certified under this division. 48514

(C) On or before each of the days prescribed for the 48515
settlements under divisions (A) and (C) of section 321.24 of the 48516
Revised Code in the years 2006 through 2017, the county treasurer 48517
shall deduct one-half of the amount apportioned to each school 48518
district, joint vocational school district, and local taxing unit 48519
from the portions of revenue payable to them. 48520

(D) On or before each of the days prescribed for settlements 48521

under divisions (A) and (C) of section 321.24 of the Revised Code 48522
in the years 2006 through 2017, the county auditor shall cause to 48523
be deposited an amount equal to one-half of the amount of the 48524
administrative fee loss in the same funds as if allowed as 48525
administrative fees. 48526

Sec. 5907.15. There is hereby created in the state treasury 48527
the Ohio veterans' homes rental, and service, ~~and medicare~~ 48528
~~reimbursement~~ fund. Revenue generated from temporary use 48529
agreements of a veterans' home, from the sale of meals at a home's 48530
dining halls, and from rental, lease, or sharing agreements for 48531
the use of facilities, supplies, equipment, utilities, or services 48532
provided by a home, ~~and from medicare reimbursements~~ shall be 48533
credited to the fund. The fund shall be used ~~only~~ for maintenance 48534
costs of the homes and for the purchase of medications, medication 48535
services, medical supplies, and medical equipment by the homes. 48536

Sec. 5907.16. There is hereby created in the state treasury 48537
the medicare services fund. Revenue from federal reimbursement of 48538
medicare services that were provided at state veterans' homes 48539
shall be credited to the fund. The fund shall be used for paying 48540
the operating costs of the state veterans' homes. 48541

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 48542
of this section, on and after January 1, 1994, no person shall 48543
operate or maintain a public water system in this state without a 48544
license issued by the director of environmental protection. A 48545
person who operates or maintains a public water system on January 48546
1, 1994, shall obtain an initial license under this section in 48547
accordance with the following schedule: 48548

(1) If the public water system is a community water system, 48549
not later than January 31, 1994; 48550

(2) If the public water system is not a community water 48551

system and serves a nontransient population, not later than 48552
January 31, 1994; 48553

(3) If the public water system is not a community water 48554
system and serves a transient population, not later than January 48555
31, 1995. 48556

A person proposing to operate or maintain a new public water 48557
system after January 1, 1994, in addition to complying with 48558
section 6109.07 of the Revised Code and rules adopted under it, 48559
shall submit an application for an initial license under this 48560
section to the director prior to commencing operation of the 48561
system. 48562

A license or license renewal issued under this section shall 48563
be renewed annually. Such a license or license renewal shall 48564
expire on the thirtieth day of January in the year following its 48565
issuance. A license holder that proposes to continue operating the 48566
public water system for which the license or license renewal was 48567
issued shall apply for a license renewal at least thirty days 48568
prior to that expiration date. 48569

The director shall adopt, and may amend and rescind, rules in 48570
accordance with Chapter 119. of the Revised Code establishing 48571
procedures governing and information to be included on 48572
applications for licenses and license renewals under this section. 48573
Through June 30, ~~2008~~ 2010, each application shall be accompanied 48574
by the appropriate fee established under division (M) of section 48575
3745.11 of the Revised Code, provided that an applicant for an 48576
initial license who is proposing to operate or maintain a new 48577
public water system after January 1, 1994, shall submit a fee that 48578
equals a prorated amount of the appropriate fee established under 48579
that division for the remainder of the licensing year. 48580

(B) Not later than thirty days after receiving a completed 48581
application and the appropriate license fee for an initial license 48582

under division (A) of this section, the director shall issue the license for the public water system. Not later than thirty days after receiving a completed application and the appropriate license fee for a license renewal under division (A) of this section, the director shall do one of the following:

(1) Issue the license renewal for the public water system;

(2) Issue the license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license renewal if the director finds that the public water system was not operated in substantial compliance with this chapter and rules adopted under it.

(C) The director may suspend or revoke a license or license renewal issued under this section if the director finds that the public water system was not operated in substantial compliance with this chapter and rules adopted under it. The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code governing such suspensions and revocations.

(D)(1) As used in division (D) of this section, "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 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 48614
school that meets minimum standards of the state board of 48615
education that operates or maintains a public water system solely 48616
to provide water for that school. 48617

Sec. 6111.0381. There is hereby created in the state treasury 48618
the water quality protection fund. The fund shall consist of 48619
federal grants, including grants made pursuant to the Federal 48620
Water Pollution Control Act, and contributions made to the 48621
environmental protection agency for water quality protection and 48622
restoration. The director of environmental protection shall use 48623
money in the fund for water quality protection and restoration. 48624

Sec. 6121.04. The Ohio water development authority may do any 48625
or all of the following: 48626

(A) Adopt bylaws for the regulation of its affairs and the 48627
conduct of its business; 48628

(B) Adopt an official seal; 48629

(C) Maintain a principal office and suboffices at places 48630
within the state that it designates; 48631

(D) Sue and plead in its own name and be sued and impleaded 48632
in its own name with respect to its contracts or torts of its 48633
members, employees, or agents acting within the scope of their 48634
employment, or to enforce its obligations and covenants made under 48635
sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any 48636
such actions against the authority shall be brought in the court 48637
of common pleas of the county in which the principal office of the 48638
authority is located or in the court of common pleas of the county 48639
in which the cause of action arose, provided that the county is 48640
located within this state, and all summonses, exceptions, and 48641
notices of every kind shall be served on the authority by leaving 48642
a copy thereof at the principal office with the person in charge 48643

thereof or with the secretary-treasurer of the authority. 48644

(E) Make loans and grants to governmental agencies for the 48645
acquisition or construction of water development projects by any 48646
such governmental agency and adopt rules and procedures for making 48647
such loans and grants; 48648

(F) Acquire, construct, reconstruct, enlarge, improve, 48649
furnish, equip, maintain, repair, operate, or lease or rent to, or 48650
contract for operation by, a governmental agency or person, water 48651
development projects, and establish rules for the use of those 48652
projects; 48653

(G) Make available the use or services of any water 48654
development project to one or more persons, one or more 48655
governmental agencies, or any combination thereof; 48656

(H) Issue water development revenue bonds and notes and water 48657
development revenue refunding bonds of the state, payable solely 48658
from revenues as provided in section 6121.06 of the Revised Code, 48659
unless the bonds are refunded by refunding bonds, for the purpose 48660
of paying any part of the cost of one or more water development 48661
projects or parts thereof; 48662

(I) Acquire by gift or purchase, hold, and dispose of real 48663
and personal property in the exercise of its powers and the 48664
performance of its duties under this chapter; 48665

(J) Acquire, in the name of the state, by purchase or 48666
otherwise, on terms and in the manner that it considers proper, or 48667
by the exercise of the right of condemnation in the manner 48668
provided by section 6121.18 of the Revised Code, public or private 48669
lands, including public parks, playgrounds, or reservations, or 48670
parts thereof or rights therein, rights-of-way, property, rights, 48671
easements, and interests that it considers necessary for carrying 48672
out this chapter, but excluding the acquisition by the exercise of 48673
the right of condemnation of any waste water facility or water 48674

management facility owned by any person or governmental agency, 48675
and compensation shall be paid for public or private lands so 48676
taken, except that a government-owned waste water facility may be 48677
appropriated in accordance with section 6121.041 of the Revised 48678
Code; 48679

(K) Adopt rules to protect augmented flow in waters of the 48680
state, to the extent augmented by a water development project, 48681
from depletion so it will be available for beneficial use, and to 48682
provide standards for the withdrawal from waters of the state of 48683
the augmented flow created by a water development project that is 48684
not returned to the waters of the state so augmented and to 48685
establish reasonable charges therefor if considered necessary by 48686
the authority; 48687

(L) Make and enter into all contracts and agreements and 48688
execute all instruments necessary or incidental to the performance 48689
of its duties and the execution of its powers under this chapter 48690
in accordance with the following requirements: 48691

(1) When the cost under any such contract or agreement, other 48692
than compensation for personal services, involves an expenditure 48693
of more than twenty-five thousand dollars, the authority shall 48694
make a written contract with the lowest responsive and responsible 48695
bidder, in accordance with section 9.312 of the Revised Code, 48696
after advertisement for not less than two consecutive weeks in a 48697
newspaper of general circulation in Franklin county, and in other 48698
publications that the authority determines, which shall state the 48699
general character of the work and the general character of the 48700
materials to be furnished, the place where plans and 48701
specifications therefor may be examined, and the time and place of 48702
receiving bids, provided that a contract or lease for the 48703
operation of a water development project constructed and owned by 48704
the authority or an agreement for cooperation in the acquisition 48705
or construction of a water development project pursuant to section 48706

6121.13 of the Revised Code or any contract for the construction 48707
of a water development project that is to be leased by the 48708
authority to, and operated by, persons who are not governmental 48709
agencies and the cost of the project is to be amortized 48710
exclusively from rentals or other charges paid to the authority by 48711
persons who are not governmental agencies is not subject to the 48712
foregoing requirements and the authority may enter into such a 48713
contract or lease or such an agreement pursuant to negotiation and 48714
upon terms and conditions and for the period that it finds to be 48715
reasonable and proper in the circumstances and in the best 48716
interests of proper operation or of efficient acquisition or 48717
construction of the project. 48718

(2) Each bid for a contract for the construction, demolition, 48719
alteration, repair, or reconstruction of an improvement shall 48720
contain the full name of every person interested in it and shall 48721
meet the requirements of section 153.54 of the Revised Code. 48722

(3) Each bid for a contract except as provided in division 48723
(L)(2) of this section shall contain the full name of every person 48724
or company interested in it and shall be accompanied by a 48725
sufficient bond or certified check on a solvent bank that if the 48726
bid is accepted, a contract will be entered into and the 48727
performance thereof secured. 48728

(4) The authority may reject any and all bids. 48729

(5) A bond with good and sufficient surety, approved by the 48730
authority, shall be required of every contractor awarded a 48731
contract except as provided in division (L)(2) of this section, in 48732
an amount equal to at least fifty per cent of the contract price, 48733
conditioned upon the faithful performance of the contract. 48734

(M) Employ managers, superintendents, and other employees and 48735
retain or contract with consulting engineers, financial 48736
consultants, accounting experts, architects, attorneys, and other 48737

consultants and independent contractors that are necessary in its 48738
judgment to carry out this chapter, and fix the compensation 48739
thereof. All expenses thereof shall be payable solely from the 48740
proceeds of water development revenue bonds or notes issued under 48741
this chapter, from revenues, or from funds appropriated for that 48742
purpose by the general assembly. 48743

(N) Receive and accept from any federal agency, subject to 48744
the approval of the governor, grants for or in aid of the 48745
construction of any water development project or for research and 48746
development with respect to waste water or water management 48747
facilities, and receive and accept aid or contributions from any 48748
source of money, property, labor, or other things of value, to be 48749
held, used, and applied only for the purposes for which the grants 48750
and contributions are made; 48751

(O) Engage in research and development with respect to waste 48752
water or water management facilities; 48753

(P) Purchase fire and extended coverage and liability 48754
insurance for any water development project and for the principal 48755
office and suboffices of the authority, insurance protecting the 48756
authority and its officers and employees against liability for 48757
damage to property or injury to or death of persons arising from 48758
its operations, and any other insurance the authority may agree to 48759
provide under any resolution authorizing its water development 48760
revenue bonds or in any trust agreement securing the same; 48761

(Q) Charge, alter, and collect rentals and other charges for 48762
the use or services of any water development project as provided 48763
in section 6121.13 of the Revised Code; 48764

(R) Provide coverage for its employees under Chapters 145., 48765
4123., and 4141. of the Revised Code; 48766

(S) Assist in the implementation and administration of the 48767
drinking water assistance fund and program created in section 48768

6109.22 of the Revised Code and the water pollution control loan fund and program created in section 6111.036 of the Revised Code, including, without limitation, performing or providing fiscal management for the funds and investing and disbursing moneys in the funds, and enter into all necessary and appropriate agreements with the director of environmental protection for those purposes;

(T) Issue water development revenue bonds and notes of the state in principal amounts that are necessary for the purpose of raising moneys for the sole benefit of the water pollution control loan fund created in section 6111.036 of the Revised Code, including moneys to meet the requirement for providing matching moneys under division (D) of that section. The bonds and notes may be secured by appropriate trust agreements and repaid from moneys credited to the fund from payments of principal and interest on loans made from the fund, as provided in division (F) of section 6111.036 of the Revised Code.

(U) Issue water development revenue bonds and notes of the state in principal amounts that are necessary for the purpose of raising moneys for the sole benefit of the drinking water assistance fund created in section 6109.22 of the Revised Code, including moneys to meet the requirement for providing matching moneys under divisions (B) and (F) of that section. The bonds and notes may be secured by appropriate trust agreements and repaid from moneys credited to the fund from payments of principal and interest on loans made from the fund, as provided in division (F) of section 6109.22 of the Revised Code.

(V) Make loans to and enter into agreements with boards of county commissioners for the purposes of section ~~1521.26~~ 1506.44 of the Revised Code and adopt rules establishing requirements and procedures for making the loans and entering into the agreements;

(W) 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 48801
this section shall identify the agency of the state that has the 48802
use and benefit of the real property as specified in section 48803
5301.012 of the Revised Code. 48804

Sec. 6121.043. If a governmental agency fails to pay any 48805
charge imposed pursuant to an order issued under section 6121.041 48806
of the Revised Code within sixty days of the date due, such charge 48807
shall be deducted from the amount of the undivided local 48808
~~government~~ communities fund to which the agency is entitled 48809
pursuant to section 5747.51 or 5747.53 of the Revised Code, and 48810
shall be paid directly to the Ohio water development authority. If 48811
a person fails to pay a charge within sixty days of the date due, 48812
the authority shall certify such charge to the county auditor, who 48813
shall place the charge on the real property tax list and duplicate 48814
against the property served. Such charge becomes a lien on such 48815
property from the date it is certified by the authority, and shall 48816
be collected in the manner that taxes are ordinarily collected and 48817
forwarded to the authority. 48818

Any revenues or other moneys pledged against obligations 48819
which are collected by the authority in the operation of a single 48820
or regional system of waste water facilities shall first be 48821
applied to the payment of debt service on such obligations. No 48822
action of the authority relieves a governmental agency of any duty 48823
which it may have to pay such obligations. 48824

Section 101.02. That existing sections 9.24, 9.30, 9.821, 48825
9.822, 9.823, 9.83, 107.40, 109.572, 109.93, 111.18, 118.01, 48826
118.08, 118.17, 118.20, 118.23, 119.07, 120.33, 122.011, 122.17, 48827
122.171, 122.602, 123.10, 123.17, 124.152, 125.01, 125.02, 48828
125.021, 125.022, 125.023, 125.04, 125.041, 125.05, 125.06, 48829
125.07, 125.071, 125.072, 125.073, 125.08, 125.081, 125.082, 48830
125.09, 125.10, 125.11, 125.15, 125.25, 125.45, 125.93, 125.96, 48831

125.97, 125.98, 126.07, 126.08, 126.21, 126.22, 127.14, 127.16, 48832
131.44, 133.01, 133.10, 133.25, 135.35, 135.352, 151.08, 151.40, 48833
152.31, 156.02, 164.03, 164.05, 164.051, 164.08, 164.09, 166.08, 48834
173.04, 173.35, 173.85, 173.86, 176.05, 183.01, 183.021, 183.17, 48835
183.33, 183.34, 183.35, 307.021, 307.695, 307.6910, 307.98, 48836
307.981, 308.04, 317.08, 319.202, 319.54, 321.08, 322.01, 323.151, 48837
323.152, 323.153, 323.154, 325.31, 329.04, 329.05, 329.051, 48838
329.14, 340.03, 709.191, 718.051, 742.301, 1306.20, 1306.21, 48839
1347.06, 1503.05, 1504.02, 1505.07, 1506.01, 1506.99, 1521.01, 48840
1521.20, 1521.21, 1521.22, 1521.23, 1521.24, 1521.25, 1521.26, 48841
1521.27, 1521.28, 1521.29, 1521.30, 1521.99, 1531.06, 1531.35, 48842
1548.06, 1555.08, 1557.03, 1751.60, 2151.43, 2151.49, 2305.234, 48843
2744.05, 2913.40, 2921.42, 2927.023, 2951.02, 3111.04, 3113.06, 48844
3113.07, 3119.022, 3119.023, 3119.27, 3119.29, 3119.30, 3119.54, 48845
3125.12, 3301.0711, 3301.0714, 3301.311, 3301.53, 3302.03, 48846
3302.10, 3310.41, 3313.41, 3313.615, 3313.646, 3313.66, 3313.661, 48847
3313.98, 3314.013, 3314.014, 3314.015, 3314.02, 3314.021, 48848
3314.024, 3314.03, 3314.04, 3314.074, 3314.08, 3314.21, 3314.27, 48849
3317.01, 3317.012, 3317.013, 3317.014, 3317.015, 3317.016, 48850
3317.017, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 48851
3317.025, 3317.026, 3317.027, 3317.028, 3317.029, 3317.0216, 48852
3317.0217, 3317.03, 3317.04, 3317.05, 3317.06, 3317.08, 3317.14, 48853
3317.16, 3317.20, 3317.201, 3318.08, 3318.15, 3318.26, 3319.081, 48854
3319.089, 3319.17, 3319.55, 3321.01, 3323.11, 3333.04, 3333.122, 48855
3333.27, 3333.38, 3345.51, 3353.02, 3365.01, 3375.05, 3375.121, 48856
3375.40, 3375.85, 3381.04, 3503.10, 3701.741, 3702.52, 3702.5211, 48857
3702.5212, 3702.5213, 3702.57, 3702.63, 3702.68, 3702.74, 3704.03, 48858
3704.14, 3705.24, 3721.51, 3721.541, 3721.56, 3734.57, 3735.672, 48859
3745.11, 3746.04, 3769.087, 3770.03, 3770.06, 3773.35, 3773.36, 48860
3901.021, 3901.86, 4115.04, 4117.01, 4123.27, 4123.35, 4141.09, 48861
4301.43, 4503.06, 4503.061, 4503.064, 4503.065, 4503.066, 48862
4503.067, 4503.10, 4503.35, 4505.06, 4513.263, 4519.55, 4717.07, 48863

4723.621, 4723.63, 4723.64, 4723.65, 4723.651, 4723.66, 4731.65, 48864
4731.71, 4743.05, 4755.03, 4766.05, 4775.08, 4921.40, 5101.16, 48865
5101.162, 5101.17, 5101.181, 5101.182, 5101.184, 5101.21, 48866
5101.211, 5101.212, 5101.213, 5101.24, 5101.242, 5101.244, 48867
5101.26, 5101.28, 5101.31, 5101.35, 5101.36, 5101.51, 5101.54, 48868
5101.571, 5101.572, 5101.58, 5101.59, 5101.802, 5101.97, 5101.98, 48869
5104.30, 5107.01, 5107.02, 5107.03, 5107.05, 5107.10, 5107.12, 48870
5107.14, 5107.16, 5107.161, 5107.162, 5107.17, 5107.281, 5107.30, 48871
5107.36, 5107.41, 5107.42, 5107.44, 5107.52, 5107.54, 5107.541, 48872
5107.61, 5107.65, 5107.66, 5107.67, 5107.68, 5107.69, 5107.70, 48873
5111.01, 5111.014, 5111.016, 5111.019, 5111.0112, 5111.023, 48874
5111.03, 5111.06, 5111.10, 5111.101, 5111.163, 5111.17, 5111.20, 48875
5111.871, 5111.8814, 5111.915, 5111.941, 5111.95, 5111.96, 48876
5112.03, 5112.08, 5112.341, 5115.12, 5117.10, 5120.03, 5119.611, 48877
5123.01, 5123.043, 5123.045, 5123.051, 5123.19, 5123.196, 48878
5123.198, 5123.20, 5123.211, 5123.38, 5123.41, 5123.51, 5123.99, 48879
5126.038, 5126.042, 5126.046, 5126.055, 5126.057, 5126.06, 48880
5126.11, 5126.12, 5126.15, 5126.18, 5126.19, 5126.25, 5126.40, 48881
5126.42, 5126.43, 5126.45, 5126.47, 5139.27, 5139.271, 5139.43, 48882
5528.54, 5531.10, 5703.57, 5703.80, 5705.28, 5705.281, 5705.29, 48883
5705.30, 5705.31, 5705.32, 5705.321, 5705.37, 5709.68, 5709.882, 48884
5713.34, 5715.36, 5719.041, 5725.151, 5725.24, 5727.45, 5727.84, 48885
5727.85, 5727.87, 5733.12, 5739.02, 5739.033, 5739.12, 5739.21, 48886
5741.02, 5741.03, 5743.01, 5743.20, 5745.02, 5745.05, 5745.13, 48887
5747.03, 5747.122, 5747.46, 5747.47, 5747.48, 5747.50, 5747.501, 48888
5747.51, 5747.52, 5747.53, 5747.54, 5747.55, 5748.01, 5748.02, 48889
5751.20, 5751.21, 5751.23, 5907.15, 6109.21, 6121.04, and 6121.043 48890
of the Revised Code are hereby repealed. 48891

Section 105.01. That sections 125.18, 125.30, 125.95, 183.02, 48892
183.27, 183.32, 3314.051, 3318.47, 3318.48, 3318.49, 3319.0810, 48893
3333.29, 3702.68, 3310.01, 3310.02, 3310.03, 3310.04, 3310.05, 48894

3310.06, 3310.07, 3310.08, 3310.09, 3310.10, 3310.11, 3310.12, 48895
3310.13, 3310.14, 3310.17, 4911.021, 5101.213, 5107.40, 5107.43, 48896
5107.50, 5107.58, 5107.60, 5107.62, 5107.64, 5111.161, 5123.16, 48897
5123.182, 5123.199, 5126.035, 5126.036, 5126.053, 5126.431, 48898
5126.44, 5126.451, 5743.331, 5747.61, 5747.62, and 5747.63 of the 48899
Revised Code are hereby repealed. 48900

Section 105.03. That the version of section 3702.68 of the 48901
Revised Code that was to have taken effect July 1, 2007, as a 48902
result of Sections 3 to 5 of Am. Sub. S.B. 50 of the 121st General 48903
Assembly, as most recently amended by Am. Sub. H.B. 66 of the 48904
126th General Assembly, is hereby repealed. 48905

It is the intent of this section to prevent the amendment of 48906
section 3702.68 of the Revised Code that was to have taken effect 48907
July 1, 2007. The combined effect of this action and the 48908
complementary amendment made to existing section 3702.68 (3702.59) 48909
of the Revised Code by Section 1 of this act is not substantive. 48910

Section 110.07. That the version of section 127.16 of the 48911
Revised Code that is scheduled to take effect July 1, 2007, be 48912
amended to read as follows: 48913

Sec. 127.16. (A) Upon the request of either a state agency or 48914
the director of budget and management and after the controlling 48915
board determines that an emergency or a sufficient economic reason 48916
exists, the controlling board may approve the making of a purchase 48917
without competitive selection as provided in division (B) of this 48918
section. 48919

(B) Except as otherwise provided in this section, no state 48920
agency, using money that has been appropriated to it directly, 48921
shall: 48922

(1) Make any purchase from a particular supplier, that would 48923

amount to fifty thousand dollars or more when combined with both 48924
the amount of all disbursements to the supplier during the fiscal 48925
year for purchases made by the agency and the amount of all 48926
outstanding encumbrances for purchases made by the agency from the 48927
supplier, unless the purchase is made by competitive selection or 48928
with the approval of the controlling board; 48929

(2) Lease real estate from a particular supplier, if the 48930
lease would amount to seventy-five thousand dollars or more when 48931
combined with both the amount of all disbursements to the supplier 48932
during the fiscal year for real estate leases made by the agency 48933
and the amount of all outstanding encumbrances for real estate 48934
leases made by the agency from the supplier, unless the lease is 48935
made by competitive selection or with the approval of the 48936
controlling board. 48937

(C) Any person who authorizes a purchase in violation of 48938
division (B) of this section shall be liable to the state for any 48939
state funds spent on the purchase, and the attorney general shall 48940
collect the amount from the person. 48941

(D) Nothing in division (B) of this section shall be 48942
construed as: 48943

(1) A limitation upon the authority of the director of 48944
transportation as granted in sections 5501.17, 5517.02, and 48945
5525.14 of the Revised Code; 48946

(2) Applying to medicaid provider agreements under Chapter 48947
5111. of the Revised Code, provider agreements under the 48948
nonfederal medical assistance program established under Chapter 48949
5114. of the Revised Code, or payments or provider agreements 48950
under the disability medical assistance program established under 48951
Chapter 5115. of the Revised Code; 48952

(3) Applying to the purchase of examinations from a sole 48953
supplier by a state licensing board under Title XLVII of the 48954

Revised Code; 48955

(4) Applying to entertainment contracts for the Ohio state 48956
fair entered into by the Ohio expositions commission, provided 48957
that the controlling board has given its approval to the 48958
commission to enter into such contracts and has approved a total 48959
budget amount for such contracts as agreed upon by commission 48960
action, and that the commission causes to be kept itemized records 48961
of the amounts of money spent under each contract and annually 48962
files those records with the clerk of the house of representatives 48963
and the clerk of the senate following the close of the fair; 48964

(5) Limiting the authority of the chief of the division of 48965
mineral resources management to contract for reclamation work with 48966
an operator mining adjacent land as provided in section 1513.27 of 48967
the Revised Code; 48968

(6) Applying to investment transactions and procedures of any 48969
state agency, except that the agency shall file with the board the 48970
name of any person with whom the agency contracts to make, broker, 48971
service, or otherwise manage its investments, as well as the 48972
commission, rate, or schedule of charges of such person with 48973
respect to any investment transactions to be undertaken on behalf 48974
of the agency. The filing shall be in a form and at such times as 48975
the board considers appropriate. 48976

(7) Applying to purchases made with money for the per cent 48977
for arts program established by section 3379.10 of the Revised 48978
Code; 48979

(8) Applying to purchases made by the rehabilitation services 48980
commission of services, or supplies, that are provided to persons 48981
with disabilities, or to purchases made by the commission in 48982
connection with the eligibility determinations it makes for 48983
applicants of programs administered by the social security 48984
administration; 48985

(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	48986 48987 48988 48989
(10) Applying to any agency of the legislative branch of the state government;	48990 48991
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;	48992 48993 48994
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	48995 48996 48997 48998
(13) Applying to dues or fees paid for membership in an organization or association;	48999 49000
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	49001 49002
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	49003 49004 49005 49006
(16) Applying to purchases of tickets for passenger air transportation;	49007 49008
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	49009 49010 49011
(18) Applying to the judicial branch of state government;	49012
(19) Applying to purchases of liquor for resale by the division of liquor control;	49013 49014
(20) Applying to purchases of motor courier and freight	49015

services made in accordance with department of administrative services rules;	49016 49017
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	49018 49019 49020 49021
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	49022 49023 49024
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	49025 49026
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	49027 49028 49029 49030
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	49031 49032 49033
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	49034 49035 49036 49037 49038
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections <u>section</u> 5123.18, 5123.182, and 5123.199 of the Revised Code;	49039 49040 49041
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	49042 49043 49044
(29) Applying to contracts entered into with persons by the	49045

director of commerce for unclaimed funds collection and remittance 49046
efforts as provided in division (F) of section 169.03 of the 49047
Revised Code. The director shall keep an itemized accounting of 49048
unclaimed funds collected by those persons and amounts paid to 49049
them for their services. 49050

(30) Applying to purchases made by a state institution of 49051
higher education in accordance with the terms of a contract 49052
between the vendor and an inter-university purchasing group 49053
comprised of purchasing officers of state institutions of higher 49054
education; 49055

(31) Applying to the department of job and family services' 49056
purchases of health assistance services under the children's 49057
health insurance program part I provided for under section 5101.50 49058
of the Revised Code or the children's health insurance program 49059
part II provided for under section 5101.51 of the Revised Code; 49060

(32) Applying to payments by the attorney general from the 49061
reparations fund to hospitals and other emergency medical 49062
facilities for performing medical examinations to collect physical 49063
evidence pursuant to section 2907.28 of the Revised Code; 49064

(33) Applying to contracts with a contracting authority or 49065
administrative receiver under division (B) of section 5126.056 of 49066
the Revised Code; 49067

(34) Applying to reimbursements paid to the United States 49068
department of veterans affairs for pharmaceutical and patient 49069
supply purchases made on behalf of the Ohio veterans' home agency; 49070

(35) Applying to agreements entered into with terminal 49071
distributors of dangerous drugs under section 173.79 of the 49072
Revised Code. 49073

(E) Notwithstanding division (B)(1) of this section, the 49074
cumulative purchase threshold shall be seventy-five thousand 49075
dollars for the departments of mental retardation and 49076

developmental disabilities, mental health, rehabilitation and 49077
correction, and youth services. 49078

(F) When determining whether a state agency has reached the 49079
cumulative purchase thresholds established in divisions (B)(1), 49080
(B)(2), and (E) of this section, all of the following purchases by 49081
such agency shall not be considered: 49082

(1) Purchases made through competitive selection or with 49083
controlling board approval; 49084

(2) Purchases listed in division (D) of this section; 49085

(3) For the purposes of the thresholds of divisions (B)(1) 49086
and (E) of this section only, leases of real estate. 49087

(G) As used in this section, "competitive selection," 49088
"purchase," "supplies," and "services" have the same meanings as 49089
in section 125.01 of the Revised Code. 49090

Section 110.08. That the existing version of section 127.16 49091
of the Revised Code that is scheduled to take effect July 1, 2007, 49092
is hereby repealed. 49093

Section 201.01. Except as otherwise provided in this act, all 49094
appropriation items in this act are appropriated out of any moneys 49095
in the state treasury to the credit of the designated fund that 49096
are not otherwise appropriated. For all appropriations made in 49097
this act, the amounts in the first column are for fiscal year 2008 49098
and the amounts in the second column are for fiscal year 2009. 49099
49100

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 49101
General Services Fund Group 49102
4J8 889-601 CPA Education \$ 325,000 \$ 325,000 49103
Assistance

4K9 889-609 Operating Expenses	\$	1,092,246	\$	1,117,000	49104
TOTAL GSF General Services Fund					49105
Group	\$	1,417,246	\$	1,442,000	49106
TOTAL ALL BUDGET FUND GROUPS	\$	1,417,246	\$	1,442,000	49107

Section 205.10. ADJ ADJUTANT GENERAL

					49109
General Revenue Fund					49110
GRF 745-401 Ohio Military Reserve	\$	15,188	\$	15,188	49111
GRF 745-404 Air National Guard	\$	2,246,005	\$	2,284,198	49112
GRF 745-407 National Guard	\$	1,400,000	\$	1,400,000	49113
Benefits					
GRF 745-409 Central Administration	\$	4,295,778	\$	4,460,069	49114
GRF 745-499 Army National Guard	\$	5,064,836	\$	5,169,368	49115
GRF 745-502 Ohio National Guard	\$	102,973	\$	102,973	49116
Unit Fund					
TOTAL GRF General Revenue Fund	\$	13,124,780	\$	13,431,796	49117
General Services Fund Group					49118
534 745-612 Property	\$	534,304	\$	534,304	49119
Operations/Management					
536 745-620 Camp Perry/Buckeye Inn	\$	1,202,970	\$	1,202,970	49120
Operations					
537 745-604 Ohio National Guard	\$	269,826	\$	269,826	49121
Facility Maintenance					
TOTAL GSF General Services Fund	\$	2,007,100	\$	2,007,100	49122
Group					
Federal Special Revenue Fund Group					49123
3E8 745-628 Air National Guard	\$	14,100,000	\$	14,906,820	49124
Agreement					
3R8 745-603 Counter Drug	\$	25,000	\$	25,000	49125
Operations					
341 745-615 Air National Guard	\$	2,497,480	\$	2,729,939	49126
Base Security					

342	745-616	Army National Guard	\$	10,146,178	\$	10,590,050	49127
		Agreement					
	TOTAL FED	Federal Special Revenue	\$	26,768,658	\$	28,251,809	49128
	Fund Group						
	State Special Revenue	Fund Group					49129
5U8	745-613	Community Match	\$	220,000	\$	220,000	49130
		Armories					
528	745-605	Marksmanship	\$	128,600	\$	128,600	49131
		Activities					
	TOTAL SSR	State Special Revenue	\$	348,600	\$	348,600	49132
	Fund Group						
	TOTAL ALL BUDGET	FUND GROUPS	\$	42,249,138	\$	44,039,305	49133

NATIONAL GUARD BENEFITS 49134

The foregoing appropriation item 745-407, National Guard 49135
 Benefits, shall be used for purposes of sections 5919.31 and 49136
 5919.33 of the Revised Code, and for administrative costs of the 49137
 associated programs. 49138

For active duty members of the Ohio National Guard who died 49139
 after October 7, 2001, while performing active duty, the death 49140
 benefit, pursuant to section 5919.33 of the Revised Code, shall be 49141
 paid to the beneficiary or beneficiaries designated on the 49142
 member's Servicemembers' Group Life Insurance Policy. 49143

STATE ACTIVE DUTY COSTS 49144

Of the foregoing appropriation item 745-409, Central 49145
 Administration, \$50,000 in each fiscal year shall be used for the 49146
 purpose of paying expenses related to state active duty of members 49147
 of the Ohio organized militia, in accordance with a proclamation 49148
 of the Governor. Expenses include, but are not limited to, the 49149
 cost of equipment, supplies, and services, as determined by the 49150
 Adjutant General's Department. 49151

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			49152
General Revenue Fund			49153
GRF 100-403	Public School Employee Benefits	\$ 1,425,000 \$	1,425,000 49154
GRF 100-404	CRP Procurement Program	\$ 262,277 \$	262,277 49155
GRF 100-405	Agency Audit Expenses	\$ 312,550 \$	312,550 49156
GRF 100-406	County & University Human Resources Services	\$ 893,000 \$	893,000 49157
GRF 100-410	Veterans' Records Conversion	\$ 46,170 \$	46,171 49158
GRF 100-415	OAKS Rental Payments	\$ 14,162,000 \$	14,165,000 49159
GRF 100-418	Web Sites and Business Gateway	\$ 3,270,473 \$	3,270,083 49160
GRF 100-419	IT Security Infrastructure	\$ 1,554,435 \$	1,554,435 49161
GRF 100-421	OAKS Project Implementation	\$ 402,006 \$	402,005 49162
GRF 100-433	State of Ohio Computer Center	\$ 5,092,502 \$	5,007,502 49163
GRF 100-439	Equal Opportunity Certification Programs	\$ 750,236 \$	750,236 49164
GRF 100-447	OBA - Building Rent Payments	\$ 112,294,800 \$	106,476,400 49165
GRF 100-448	OBA - Building Operating Payments	\$ 26,457,000 \$	27,303,000 49166
GRF 100-449	DAS - Building Operating Payments	\$ 3,769,510 \$	3,834,871 49167
GRF 100-451	Minority Affairs	\$ 52,927 \$	52,927 49168
GRF 100-734	Major Maintenance - State Bldgs	\$ 48,925 \$	47,500 49169

GRF 102-321	Construction	\$	1,167,099	\$	1,167,099	49170
	Compliance					
GRF 130-321	State Agency Support	\$	6,340,215	\$	6,564,301	49171
	Services					
TOTAL GRF	General Revenue Fund	\$	178,301,125	\$	173,534,357	49172
	General Services Fund Group					49173
112 100-616	DAS Administration	\$	5,299,427	\$	5,299,427	49174
115 100-632	Central Service Agency	\$	860,878	\$	928,403	49175
117 100-644	General Services	\$	8,295,772	\$	8,540,772	49176
	Division - Operating					
122 100-637	Fleet Management	\$	2,182,968	\$	2,032,968	49177
125 100-622	Human Resources	\$	19,890,614	\$	20,560,614	49178
	Division - Operating					
128 100-620	Collective Bargaining	\$	3,464,533	\$	3,662,534	49179
130 100-606	Risk Management	\$	2,568,548	\$	2,568,548	49180
	Reserve					
131 100-639	State Architect's	\$	7,348,483	\$	7,544,164	49181
	Office					
132 100-631	DAS Building	\$	9,716,228	\$	10,166,228	49182
	Management					
133 100-607	IT Services Delivery	\$	72,539,887	\$	75,847,949	49183
188 100-649	Equal Opportunity	\$	847,409	\$	884,650	49184
	Division - Operating					
201 100-653	General Services	\$	1,553,000	\$	1,553,000	49185
	Resale Merchandise					
210 100-612	State Printing	\$	5,681,421	\$	5,436,421	49186
229 100-630	IT Governance	\$	17,108,546	\$	17,108,546	49187
4N6 100-617	Major IT Purchases	\$	7,495,719	\$	7,495,719	49188
4P3 100-603	DAS Information	\$	4,793,190	\$	4,958,218	49189
	Services					
427 100-602	Investment Recovery	\$	5,683,564	\$	5,683,564	49190
5C2 100-605	MARCS Administration	\$	11,069,291	\$	11,069,291	49191
5C3 100-608	Skilled Trades	\$	934,982	\$	934,982	49192

5D7 100-621	Workforce Development	\$	70,000	\$	0	49193
5EB 100-635	OAKS Support Organization	\$	19,132,671	\$	19,132,671	49194
5L7 100-610	Professional Development	\$	3,900,000	\$	3,900,000	49195
5V6 100-619	Employee Educational Development	\$	936,129	\$	936,129	49196
5X3 100-634	Centralized Gateway Enhancement	\$	974,023	\$	974,023	49197
TOTAL GSF General Services Fund Group		\$	212,347,283	\$	217,218,821	49199
TOTAL ALL BUDGET FUND GROUPS		\$	390,648,408	\$	390,753,178	49200

Section 207.10.10. PUBLIC SCHOOL EMPLOYEE BENEFITS 49202

The foregoing appropriation item 100-403, Public School Employee Benefits, shall be used by the Director of Administrative Services to hire an executive director and necessary staff to provide administrative support to the School Employee Health Care Board and the public school employee health insurance program established under section 9.901 of the Revised Code. The board shall be comprised of twelve members, six appointed by the Governor, three of whom are currently non-administrative school employees, and three each appointed by the President of the Senate and Speaker of the House of Representatives. At least one of the three members appointed by the President and Speaker shall be of the minority in each chamber, respectively. The board shall, in consultation with the Governor, develop an implementation plan based on the January 31, 2007, report to the Governor and General Assembly.

At any time during the biennium, when the Director of Administrative Services certifies that there is a sufficient reserve available from premium payments made to the School Employees Health Care Fund (Fund 815), the Director of Budget and

Management shall transfer an amount equal to total expenditures 49222
and obligations made from appropriation item 100-403, Public 49223
School Employee Benefits, from the School Employees Health Care 49224
Fund to the General Revenue Fund. 49225

Section 207.10.20. AGENCY AUDIT EXPENSES 49226

The foregoing appropriation item 100-405, Agency Audit 49227
Expenses, shall be used for auditing expenses designated in 49228
division (A)(1) of section 117.13 of the Revised Code for those 49229
state agencies audited on a biennial basis. 49230

Section 207.10.30. OAKS RENTAL PAYMENTS 49231

The foregoing appropriation item 100-415, OAKS Rental 49232
Payments, shall be used for payments for the period from July 1, 49233
2007, through June 30, 2009, pursuant to leases and agreements 49234
entered into under Chapter 125. of the Revised Code, as 49235
supplemented by Section 403.10 of Am. Sub. H.B. 530 of the 126th 49236
General Assembly with respect to financing the costs associated 49237
with the acquisition, development, installation, and 49238
implementation of the Ohio Administrative Knowledge System. If it 49239
is determined that additional appropriations are necessary for 49240
this purpose, the amounts are hereby appropriated. 49241

Section 207.10.40. BUILDING RENT PAYMENTS 49242

The foregoing appropriation item 100-447, OBA - Building Rent 49243
Payments, shall be used to meet all payments at the times they are 49244
required to be made during the period from July 1, 2007, to June 49245
30, 2009, by the Department of Administrative Services to the Ohio 49246
Building Authority pursuant to leases and agreements under Chapter 49247
152. of the Revised Code. These appropriations are the source of 49248
funds pledged for bond service charges on obligations issued 49249
pursuant to Chapter 152. of the Revised Code. 49250

The foregoing appropriation item 100-448, OBA - Building
Operating Payments, shall be used to meet all payments at the
times that they are required to be made during the period from
July 1, 2007, to June 30, 2009, by the Department of
Administrative Services to the Ohio Building Authority pursuant to
leases and agreements under Chapter 152. of the Revised Code, but
limited to the aggregate amount of \$53,760,000.

The payments to the Ohio Building Authority are for the
purpose of paying the expenses of agencies that occupy space in
the various state facilities. The Department of Administrative
Services may enter into leases and agreements with the Ohio
Building Authority providing for the payment of these expenses.
The Ohio Building Authority shall report to the Department of
Administrative Services and the Office of Budget and Management
not later than five months after the start of a fiscal year the
actual expenses incurred by the Ohio Building Authority in
operating the facilities and any balances remaining from payments
and rentals received in the prior fiscal year. The Department of
Administrative Services shall reduce subsequent payments by the
amount of the balance reported to it by the Ohio Building
Authority.

Section 207.10.50. DAS - BUILDING OPERATING PAYMENTS

The foregoing appropriation item 100-449, DAS - Building
Operating Payments, shall be used to pay the rent expenses of
veterans organizations pursuant to section 123.024 of the Revised
Code in fiscal years 2008 and 2009.

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. 49282

Notwithstanding section 125.28 of the Revised Code, the 49283
remaining portion of the appropriation may be used to pay the 49284
operating expenses of state facilities maintained by the 49285
Department of Administrative Services that are not billed to 49286
building tenants. These expenses may include, but are not limited 49287
to, the costs for vacant space and space undergoing renovation, 49288
and the rent expenses of tenants that are relocated due to 49289
building renovations. These payments shall be processed by the 49290
Department of Administrative Services through intrastate transfer 49291
vouchers and placed in the Building Management Fund (Fund 132). 49292

Section 207.10.60. CENTRAL SERVICE AGENCY FUND 49293

The Department of Administrative Services shall not allocate 49294
annual costs for maintaining an automated application for the 49295
professional licensing boards and for the costs of supporting 49296
licensing functions in excess of the amounts allocated for these 49297
purposes for fiscal year 2007. The charges shall be billed to the 49298
professional licensing boards and deposited via intrastate 49299
transfer vouchers to the credit of the Central Service Agency Fund 49300
(Fund 115). 49301

Section 207.10.70. ELIMINATION OF THE VEHICLE LIABILITY FUND 49302
ASSETS 49303

(A) Effective July 1, 2007, the Vehicle Liability Fund (Fund 49304
127) is abolished and its functions, assets, and liabilities are 49305
transferred to the Risk Management Reserve Fund (Fund 130). The 49306
Risk Management Reserve Fund is thereupon and thereafter successor 49307
to, assumes the obligations of, and otherwise constitutes the 49308
continuation of the Vehicle Liability Fund. 49309

Any business commenced but not completed with regard to the 49310
Vehicle Liability Fund on July 1, 2007, shall be completed with 49311

regard to the Risk Management Reserve Fund, in the same manner, 49312
and with the same effect, as if completed with regard to the 49313
Vehicle Liability Fund. No validation, cure, right, privilege, 49314
remedy, obligation, or liability is lost or impaired by reason of 49315
the transfer and shall be administered with regard to the Risk 49316
Management Reserve Fund. All of the rules, orders, and 49317
determinations associated with the Vehicle Liability Fund continue 49318
in effect as rules, orders, and determinations associated with the 49319
Risk Management Reserve Fund, until modified or rescinded by the 49320
Director of Administrative Services. If necessary to ensure the 49321
integrity of the Administrative Code, the Director of the 49322
Legislative Service Commission shall renumber the rules relating 49323
to the Vehicle Liability Fund to reflect its transfer to the Risk 49324
Management Reserve Fund. 49325

(B) Employees paid from the Vehicle Liability Fund shall be 49326
transferred to the Risk Management Reserve Fund or dismissed. 49327
Employees paid from the Vehicle Liability Fund so dismissed cease 49328
to hold their positions of employment on July 1, 2007. 49329

(C) No judicial or administrative action or proceeding by 49330
which the Vehicle Liability Fund is affected that is pending on 49331
July 1, 2007, is affected by the transfer of functions under 49332
division (A) of this section. The action or proceeding shall be 49333
prosecuted or defended on behalf of the Risk Management Reserve 49334
Fund and the Risk Management Reserve Fund upon application to the 49335
court or agency shall be substituted for the Vehicle Liability 49336
Fund as affected by the action or proceeding. 49337

(D) On and after July 1, 2007, when the Vehicle Liability 49338
Fund is referred to in any statute, rule, contract, grant, or 49339
other document, the reference is hereby deemed to refer to the 49340
Risk Management Reserve Fund. 49341

Section 207.10.80. TRANSFER OF VEHICLE LIABILITY FUND ASSETS 49342

On and after July 1, 2007, notwithstanding any provision to 49343
the contrary, the Director of Budget and Management is authorized 49344
to take the actions described in this section with respect to 49345
budget changes made necessary by administrative reorganization, 49346
program transfers, the creation of new funds, and the 49347
consolidation of funds authorized in this act. The Director of 49348
Budget and Management may make any transfer of cash balances 49349
between funds. At the request of the Director of Budget and 49350
Management, the Director of Administrative Services shall certify 49351
to the Director of Budget and Management an estimate of the amount 49352
of the Vehicle Liability Fund cash balance to be transferred to 49353
the Risk Management Reserve Fund. The Director of Budget and 49354
Management may transfer the estimated amount when needed to make 49355
payments. Not more than thirty days after certifying the estimated 49356
amount, the Director of Administrative Services shall certify the 49357
final amount to the Director of Budget and Management. The 49358
Director of Budget and Management shall transfer the difference 49359
between any amount previously transferred and the certified final 49360
amount. The Director of Budget and Management may cancel 49361
encumbrances and re-establish encumbrances or parts of 49362
encumbrances of the Vehicle Liability Fund as needed in fiscal 49363
year 2008 in the Risk Management Reserve Fund for the same 49364
purposes. The appropriation authority necessary to re-establish 49365
such encumbrances in fiscal year 2008, as determined by the 49366
Director of Budget and Management, in appropriation item 100-606, 49367
Risk Management Reserve, is hereby appropriated. When 49368
re-established encumbrances or parts of re-established 49369
encumbrances of the Vehicle Liability Fund are canceled, the 49370
Director of Budget and Management shall reduce the appropriation 49371
for appropriation item 100-606, Risk Management Reserve, by the 49372
amount of the encumbrances canceled. The amounts canceled are 49373
hereby authorized. Any fiscal year 2007 unencumbered or unallotted 49374
appropriation for appropriation item 100-627, Vehicle Liability 49375

Insurance, may be transferred to appropriation item 100-606, Risk Management Reserve, to be used for the same purposes, as determined by the Director of Budget and Management. The amounts transferred are hereby appropriated.

Section 207.10.90. COLLECTIVE BARGAINING ARBITRATION EXPENSES

With approval of the Director of Budget and Management, the Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the department incurs in the collective bargaining arbitration process. The reimbursements shall be processed through intrastate transfer vouchers and placed in the Collective Bargaining Fund (Fund 128).

Section 207.20.10. 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 207.20.20. 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 207.20.30. DAS INFORMATION SERVICES 49404

There is hereby established in the State Treasury the DAS 49405
Information Services Fund. The foregoing appropriation item 49406
100-603, DAS Information Services, shall be used to pay the costs 49407
of providing information systems and services in the Department of 49408
Administrative Services. 49409

The Department of Administrative Services shall establish 49410
user charges for all information systems and services that are 49411
allowable in the statewide indirect cost allocation plan submitted 49412
annually to the United States Department of Health and Human 49413
Services. These charges shall comply with federal regulations and 49414
shall be deposited to the credit of the DAS Information Services 49415
Fund (Fund 4P3). 49416

Section 207.20.40. INVESTMENT RECOVERY FUND 49417

Notwithstanding division (B) of section 125.14 of the Revised 49418
Code, cash balances in the Investment Recovery Fund (Fund 427) may 49419
be used to support the operating expenses of the Federal Surplus 49420
Operating Program created in sections 125.84 to 125.90 of the 49421
Revised Code. 49422

Notwithstanding division (B) of section 125.14 of the Revised 49423
Code, cash balances in the Investment Recovery Fund may be used to 49424
support the operating expenses of the Asset Management Services 49425
Program, including, but not limited to, the cost of establishing 49426
and maintaining procedures for inventory records for state 49427
property as described in section 125.16 of the Revised Code. 49428

Of the foregoing appropriation item 100-602, Investment 49429
Recovery, up to \$2,271,209 in fiscal year 2008 and up to 49430
\$2,353,372 in fiscal year 2009 shall be used to pay the operating 49431
expenses of the State Surplus Property Program, the Surplus 49432
Federal Property Program, and the Asset Management Services 49433

Program under Chapter 125. of the Revised Code and this section. 49434
If additional appropriations are necessary for the operations of 49435
these programs, the Director of Administrative Services shall seek 49436
increased appropriations from the Controlling Board under section 49437
131.35 of the Revised Code. 49438

Of the foregoing appropriation item 100-602, Investment 49439
Recovery, \$3,412,355 in fiscal year 2008 and \$3,330,192 in fiscal 49440
year 2009 shall be used to transfer proceeds from the sale of 49441
surplus property from the Investment Recovery Fund to non-General 49442
Revenue Funds under division (A)(2) of section 125.14 of the 49443
Revised Code. If it is determined by the Director of 49444
Administrative Services that additional appropriations are 49445
necessary for the transfer of such sale proceeds, the Director of 49446
Administrative Services may request the Director of Budget and 49447
Management to increase the amounts. Such amounts are hereby 49448
appropriated. 49449

Notwithstanding division (B) of section 125.14 of the Revised 49450
Code, the Director of Budget and Management, at the request of the 49451
Director of Administrative Services, shall transfer up to \$500,000 49452
of the amounts held for transfer to the General Revenue Fund from 49453
the Investment Recovery Fund to the State Architect's Fund (Fund 49454
131) to provide operating cash. 49455

Section 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 49456

Effective with the implementation of the Multi-Agency Radio 49457
Communications System, the State Chief Information Officer shall 49458
collect user fees from participants in the system. The State Chief 49459
Information Officer, with the advice of the Multi-Agency Radio 49460
Communications System Steering Committee and the Director of 49461
Budget and Management, shall determine the amount of the fees and 49462
the manner by which the fees shall be collected. Such user charges 49463
shall comply with the applicable cost principles issued by the 49464

federal Office of Management and Budget. All moneys from user 49465
charges and fees shall be deposited in the state treasury to the 49466
credit of the Multi-Agency Radio Communications System 49467
Administration Fund (Fund 5C2), which is hereby established in the 49468
state treasury. All interest income derived from the investment of 49469
the fund shall accrue to the fund. 49470

Section 207.20.60. WORKFORCE DEVELOPMENT FUND 49471

There is hereby established in the state treasury the 49472
Workforce Development Fund (Fund 5D7). The foregoing appropriation 49473
item 100-621, Workforce Development, shall be used to make 49474
payments from the fund. The fund shall be under the supervision of 49475
the Department of Administrative Services, which may adopt rules 49476
with regard to administration of the fund. The fund shall be used 49477
to pay the costs of any remaining obligations of the Workforce 49478
Development Program, in accordance with Article 37 of the contract 49479
between the State of Ohio and OCSEA/AFSCME, Local 11, abolished 49480
effective March 1, 2006. These costs include, but are not limited 49481
to, remaining grant obligations, payments for tuition 49482
reimbursement, contracted services and general overhead, and any 49483
settlement costs associated with the Statewide Cost Allocation 49484
Program (SWCAP). The program shall be administered in accordance 49485
with the contract. Revenues shall accrue to the fund as specified 49486
in the contract. The fund may be used to pay direct and indirect 49487
costs of the program that are attributable to staff, consultants, 49488
and service providers. All income derived from the investment of 49489
the fund shall accrue to the fund. 49490

If it is determined by the Director of Administrative 49491
Services that additional appropriation amounts are necessary, the 49492
Director of Administrative Services may request that the Director 49493
of Budget and Management increase such amounts. Such amounts are 49494
hereby appropriated. 49495

Section 207.20.70. OAKS SUPPORT ORGANIZATION 49496

The foregoing appropriation item 100-635, OAKS Support Organization, shall be used by the Office of Information Technology to support the operating costs associated with the implementation and maintenance of the state's enterprise resource planning system, OAKS, consistent with its responsibilities under this section and Chapters 125. and 126. of the Revised Code. The OAKS Support Organization shall operate and maintain the human capital management and financial management modules of the state's enterprise resource planning system to support statewide human resources and financial management activities administered by the Department of Administrative Services' human resources division and the Office of Budget and Management. The OAKS Support Organization shall recover the costs to establish, operate, and maintain the OAKS system through intrastate transfer voucher billings to the Department of Administrative Services and the Office of Budget and Management. Effective July 1, 2007, the Department of Administrative Services, with the approval of the Director of Budget and Management, shall include the recovery of the costs of administering the human capital management module of the OAKS System within the human resources services payroll rate. These revenues shall be deposited to the credit of the Human Resources Services Fund (Fund 125). Amounts deposited under this section are hereby appropriated to appropriation item 100-622, Human Resources Division-Operating. Not less than quarterly, the Department of Administrative Services shall process the intrastate transfer billings to transfer cash from the Human Resources Services Fund (Fund 125) to the OAKS Support Organization Fund (Fund 5EB) to pay for the OAKS Support Organization costs.

Section 207.20.80. PROFESSIONAL DEVELOPMENT FUND 49525

The foregoing appropriation item 100-610, Professional 49526

Development, shall be used to make payments from the Professional 49527
Development Fund (Fund 5L7) under section 124.182 of the Revised 49528
Code. 49529

Section 207.20.90. EMPLOYEE EDUCATIONAL DEVELOPMENT 49530

There is hereby established in the state treasury the 49531
Employee Educational Development Fund (Fund 5V6). The foregoing 49532
appropriation item 100-619, Employee Educational Development, 49533
shall be used to make payments from the fund. The fund shall be 49534
used to pay the costs of the administration of educational 49535
programs per existing collective bargaining agreements with 49536
District 1199, the Health Care and Social Service Union; State 49537
Council of Professional Educators; Ohio Education Association and 49538
National Education Association; the Fraternal Order of Police Ohio 49539
Labor Council, Unit 2; and the Ohio State Troopers Association, 49540
Units 1 and 15. The fund shall be under the supervision of the 49541
Department of Administrative Services, which may adopt rules with 49542
regard to administration of the fund. The fund shall be 49543
administered in accordance with the applicable sections of the 49544
collective bargaining agreements between the State and the 49545
aforementioned unions. The Department of Administrative Services, 49546
with the approval of the Director of Budget and Management, shall 49547
establish charges for recovering the costs of administering the 49548
educational programs. Receipts for these charges shall be 49549
deposited into the Employee Educational Development Fund. All 49550
income derived from the investment of the funds shall accrue to 49551
the fund. 49552

If it is determined by the Director of Administrative 49553
Services that additional appropriation amounts are necessary, the 49554
Director of Administrative Services may request that the Director 49555
of Budget and Management increase such amounts. Such amounts are 49556
hereby appropriated with the approval of the Director of Budget 49557

and Management. 49558

Section 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND 49559

(A) As used in this section, "Ohio Business Gateway" refers 49560
to the internet-based system operated by the Office of Information 49561
Technology with the advice of the Ohio Business Gateway Steering 49562
Committee established under section 5703.57 of the Revised Code. 49563
The Ohio Business Gateway is established to provide businesses a 49564
central web site where various filings and payments are submitted 49565
on-line to government. The information is then distributed to the 49566
various government entities that interact with the business 49567
community. 49568

(B) As used in this section: 49569

(1) "State Portal" refers to the official web site of the 49570
state, operated by the Office of Information Technology. 49571

(2) "Shared Hosting Environment" refers to the computerized 49572
system operated by the Office of Information Technology for the 49573
purpose of providing capability for state agencies to host web 49574
sites. 49575

(C) There is hereby created in the state treasury the 49576
Centralized Gateway Enhancements Fund (Fund 5X3). The foregoing 49577
appropriation item 100-634, Centralized Gateway Enhancements, 49578
shall be used by the Office of Information Technology to pay the 49579
costs of enhancing, expanding, and operating the infrastructure of 49580
the Ohio Business Gateway, State Portal, and Shared Hosting 49581
Environment. The State Chief Information Officer shall submit 49582
periodic spending plans to the Director of Budget and Management 49583
to justify operating transfers to the fund from the General 49584
Revenue Fund. Upon approval, the Director of Budget and Management 49585
shall transfer approved amounts to the fund, not to exceed the 49586
amount of the annual appropriation in each fiscal year. The 49587

spending plans may be based on the recommendations of the Ohio 49588
Business Gateway Steering Committee or its successor. 49589

Section 207.30.20. MAJOR IT PURCHASES 49590

The State Chief Information Officer shall compute the amount 49591
of revenue attributable to the amortization of all equipment 49592
purchases and capitalized systems from appropriation item 100-607, 49593
IT Service Delivery; appropriation item 100-617, Major IT 49594
Purchases; and appropriation item CAP-837, Major IT Purchases, 49595
which is recovered by the Office of Information Technology as part 49596
of the rates charged by the IT Service Delivery Fund (Fund 133) 49597
created in section 125.15 of the Revised Code. The Director of 49598
Budget and Management may transfer cash in an amount not to exceed 49599
the amount of amortization computed from the IT Service Delivery 49600
Fund (Fund 133) to the Major IT Purchases Fund (Fund 4N6). 49601

Section 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT 49602

The State Chief Information Officer, with the approval of the 49603
Director of Budget and Management, may establish an information 49604
technology assessment for the purpose of recovering the cost of 49605
selected infrastructure and statewide programs. Such assessment 49606
shall comply with applicable cost principles issued by the federal 49607
Office of Management and Budget. The information technology 49608
assessment shall be charged to all organized bodies, offices, or 49609
agencies established by the laws of the state for the exercise of 49610
any function of state government except for the General Assembly, 49611
any legislative agency, the Supreme Court, the other courts of 49612
record in Ohio, or any judicial agency, the Adjutant General, the 49613
Bureau of Workers' Compensation, and institutions administered by 49614
a board of trustees. Any state-entity exempted by this section may 49615
utilize the infrastructure or statewide program by participating 49616
in the information technology assessment. All charges for the 49617

information technology assessment shall be deposited to the credit 49618
of the IT Governance Fund (Fund 229). 49619

Section 207.30.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 49620
DEBT SERVICE PAYMENTS 49621

The Director of Administrative Services, in consultation with 49622
the Multi-Agency Radio Communication System (MARCS) Steering 49623
Committee and the Director of Budget and Management, shall 49624
determine the share of debt service payments attributable to 49625
spending for MARCS components that are not specific to any one 49626
agency and that shall be charged to agencies supported by the 49627
motor fuel tax. Such share of debt service payments shall be 49628
calculated for MARCS capital disbursements made beginning July 1, 49629
1997. Within thirty days of any payment made from appropriation 49630
item 100-447, OBA - Building Rent Payments, the Director of 49631
Administrative Services shall certify to the Director of Budget 49632
and Management the amount of this share. The Director of Budget 49633
and Management shall transfer such amounts to the General Revenue 49634
Fund from the State Highway Safety Fund (Fund 036) established in 49635
section 4501.06 of the Revised Code. 49636

The State Chief Information Officer shall consider renting or 49637
leasing existing tower sites at reasonable or current market 49638
rates, so long as these existing sites are equipped with the 49639
technical capabilities to support the MARCS project. 49640

Section 207.30.50. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 49641

Whenever the Director of Administrative Services declares a 49642
"public exigency," as provided in division (C) of section 123.15 49643
of the Revised Code, the Director shall also notify the members of 49644
the Controlling Board. 49645

Section 207.30.60. GENERAL SERVICE CHARGES 49646

The Department of Administrative Services, with the approval 49647
of the Director of Budget and Management, shall establish charges 49648
for recovering the costs of administering the programs in the 49649
General Services Fund (Fund 117) and the State Printing Fund (Fund 49650
210). 49651

Section 207.30.70. STATE ENERGY SERVICES PROGRAM 49652

Within 30 days after the effective date of this section, or 49653
as soon possible thereafter, the Director of Administrative 49654
Services shall certify the remaining cash in the Federal Special 49655
Revenue Fund (Fund 307) to the Director of Budget and Management, 49656
who shall transfer that amount to the State Architect's Office 49657
(Fund 131). The cash shall be used to operate the state's energy 49658
services program. 49659

Within thirty days after the effective date of this section, 49660
or as soon as possible thereafter, the Director of Administrative 49661
Services shall certify the remaining cash in the Energy Grants 49662
Fund (Fund 5A8) to the Director of Budget and Management, who 49663
shall transfer that amount to the State Architect's Office (Fund 49664
131). The cash shall be used to operate the state's energy 49665
services program. 49666

Section 207.30.80. FEDERAL GRANTS OGRIP 49667

As soon as possible on or after July 1, 2007, the Director of 49668
Budget and Management may transfer cash in the amount of 49669
\$15,072.03 from the Federal Grants OGRIP Fund (Fund 3H6) to the 49670
General Revenue Fund. 49671

Section 209.10. AAM COMMISSION ON AFRICAN AMERICAN MALES 49672

General Revenue Fund 49673
GRF 036-100 Personal Services \$ 235,091 \$ 235,091 49674
GRF 036-200 Maintenance \$ 29,000 \$ 29,000 49675

GRF 036-300 Equipment	\$	1,000	\$	1,000	49676
GRF 036-502 Community Projects	\$	516,909	\$	1,016,909	49677
TOTAL GRF General Revenue Fund	\$	782,000	\$	1,282,000	49678
State Special Revenue Fund Group					49679
4H3 036-601 Commission on African American Males - Gifts/Grants	\$	10,000	\$	10,000	49680
TOTAL SSR State Special Revenue Fund Group	\$	10,000	\$	10,000	49681
TOTAL ALL BUDGET FUND GROUPS	\$	792,000	\$	1,292,000	49682

CAAM STRATEGIC PLAN 49683

The Commission on African American Males shall develop a 49684
strategic plan to accomplish the tasks put forth in section 49685
4112.13 of the Revised Code. 49686

On January 1, 2008, or as soon as possible thereafter, the 49687
Director of the Commission on African American Males shall submit 49688
a strategic plan for the use of \$500,000 in fiscal year 2008 and 49689
\$1,000,000 in fiscal year 2009 to the Governor, the President of 49690
the Senate, the Minority Leader of the Senate, the Speaker of the 49691
House of Representatives, the Minority Leader of the House of 49692
Representatives, and the members of the Ohio Legislative Black 49693
Caucus. 49694

Not later than June 30, 2009, the Commission on African 49695
American Males shall submit a report on the impacts and outcomes 49696
of the strategic plan to the Governor, the President of the 49697
Senate, the Minority Leader of the Senate, the Speaker of the 49698
House of Representatives, the Minority Leader of the House of 49699
Representatives, and the members of the Ohio Legislative Black 49700
Caucus. 49701

Section 211.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 49702

General Revenue Fund				49703
GRF 029-321 Operating Expenses	\$	409,856	\$ 409,856	49704
TOTAL GRF General Revenue Fund	\$	409,856	\$ 409,856	49705
TOTAL ALL BUDGET FUND GROUPS	\$	409,856	\$ 409,856	49706

OPERATING 49707

The Chief Administrative Officer of the House of 49708
Representatives and the Clerk of the Senate shall determine, by 49709
mutual agreement, which of them shall act as fiscal agent for the 49710
Joint Committee on Agency Rule Review. 49711

OPERATING EXPENSES 49712

On July 1, 2007, or as soon as possible thereafter, the 49713
designated fiscal agent shall certify to the Director of Budget 49714
and Management the total fiscal year 2007 unencumbered 49715
appropriations in appropriation item 029-321, Operating Expenses. 49716
The designated fiscal agent may direct the Director of Budget and 49717
Management to transfer an amount not to exceed the total fiscal 49718
year 2007 unencumbered appropriations to fiscal year 2008 for use 49719
in appropriation item 029-321, Operating Expenses. Additional 49720
appropriation authority equal to the amount certified by the 49721
designated fiscal agent is hereby appropriated to appropriation 49722
item 029-321, Operating Expenses, in fiscal year 2008. 49723

On July 1, 2008, or as soon as possible thereafter, the 49724
designated fiscal agent shall certify to the Director of Budget 49725
and Management the total fiscal year 2008 unencumbered 49726
appropriations in appropriation item 029-321, Operating Expenses. 49727
The designated fiscal agent may direct the Director of Budget and 49728
Management to transfer an amount not to exceed the total fiscal 49729
year 2008 unencumbered appropriations to fiscal year 2009 for use 49730
in appropriation item 029-321, Operating Expenses. Additional 49731
appropriation authority equal to the amount certified by the 49732
designated fiscal agent is hereby appropriated to appropriation 49733

item 029-321, Operating Expenses, in fiscal year 2009.				49734
Section 213.10. AGE DEPARTMENT OF AGING				49735
General Revenue Fund				49736
GRF 490-321 Operating Expenses	\$	2,637,571	\$ 2,637,271	49737
GRF 490-403 PASSPORT	\$	123,923,047	\$ 153,392,150	49738
GRF 490-406 Senior Olympics	\$	14,856	\$ 14,856	49739
GRF 490-409 Ohio Community Service	\$	183,792	\$ 183,792	49740
Council Operations				
GRF 490-410 Long-Term Care	\$	654,965	\$ 654,965	49741
Ombudsman				
GRF 490-411 Senior Community	\$	10,099,439	\$ 10,099,439	49742
Services				
GRF 490-412 Residential State	\$	9,156,771	\$ 9,156,771	49743
Supplement				
GRF 490-414 Alzheimers Respite	\$	3,881,594	\$ 3,881,594	49744
GRF 490-416 JCFS Community Options	\$	250,000	\$ 250,000	49745
GRF 490-421 PACE	\$	10,214,809	\$ 10,214,809	49746
GRF 490-422 Assisted Living Waiver	\$	12,554,940	\$ 15,213,890	49747
GRF 490-506 National Senior	\$	335,296	\$ 335,296	49748
Service Corps				
TOTAL GRF General Revenue Fund	\$	173,907,080	\$ 206,034,833	49749
General Services Fund Group				49750
480 490-606 Senior Community	\$	372,677	\$ 372,677	49751
Outreach and Education				
TOTAL GSF General Services Fund				49752
Group	\$	372,677	\$ 372,677	49753
Federal Special Revenue Fund Group				49754
3C4 490-607 PASSPORT	\$	295,337,721	\$ 294,451,444	49755
3C4 490-621 PACE-Federal	\$	14,586,135	\$ 14,586,135	49756
3C4 490-622 Assisted	\$	14,972,892	\$ 21,810,442	49757
Living-Federal				

3M4	490-612	Federal Independence Services	\$	62,406,819	\$	63,655,080	49758
3R7	490-617	Ohio Community Service Council Programs	\$	8,870,000	\$	8,870,000	49759
322	490-618	Federal Aging Grants	\$	10,000,000	\$	10,200,000	49760
TOTAL FED Federal Special Revenue							49761
Fund Group			\$	406,173,567	\$	413,573,101	49762
State Special Revenue Fund Group							49763
4C4	490-609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	49764
4J4	490-610	PASSPORT/Residential State Supplement	\$	33,491,930	\$	33,263,984	49765
4U9	490-602	PASSPORT Fund	\$	4,424,969	\$	4,424,969	49766
5AA	490-673	Ohio's Best Rx Administration	\$	1,184,154	\$	910,801	49767
5BA	490-620	Ombudsman Support	\$	600,000	\$	600,000	49768
5K9	490-613	Long Term Care Consumers Guide	\$	820,400	\$	820,400	49769
5W1	490-616	Resident Services Coordinator Program	\$	330,000	\$	330,000	49770
624	490-604	OCSC Community Support	\$	470,000	\$	470,000	49771
TOTAL SSR State Special Revenue							49772
Fund Group			\$	42,256,453	\$	41,755,154	49773
TOTAL ALL BUDGET FUND GROUPS			\$	622,709,777	\$	661,735,765	49774

Section 213.20. PRE-ADMISSION REVIEW FOR NURSING FACILITY 49776
ADMISSION 49777

Pursuant to an interagency agreement, the Department of Job 49778
and Family Services shall designate the Department of Aging to 49779
perform assessments under sections 173.42 and 5111.204 of the 49780
Revised Code. Of the foregoing appropriation item 490-403, 49781
PASSPORT, the Department of Aging may use not more than \$2,731,000 49782
in fiscal year 2008 and \$2,813,000 in fiscal year 2009 to perform 49783

the assessments for persons not eligible for Medicaid under the 49784
department's interagency agreement with the Department of Job and 49785
Family Services and to assist individuals in planning for their 49786
long-term health care needs. 49787

PASSPORT 49788

Appropriation item 490-403, PASSPORT, and the amounts set 49789
aside for the PASSPORT Waiver Program in appropriation item 49790
490-610, PASSPORT/Residential State Supplement, may be used to 49791
assess clients regardless of Medicaid eligibility. 49792

The Director of Aging shall adopt rules under section 111.15 49793
of the Revised Code governing the nonwaiver funded PASSPORT 49794
program, including client eligibility. 49795

The Department of Aging shall administer the Medicaid 49796
waiver-funded PASSPORT Home Care Program as delegated by the 49797
Department of Job and Family Services in an interagency agreement. 49798
The foregoing appropriation item 490-403, PASSPORT, and the 49799
amounts set aside for the PASSPORT Waiver Program in appropriation 49800
item 490-610, PASSPORT/Residential State Supplement, shall be used 49801
to provide the required state match for federal Medicaid funds 49802
supporting the Medicaid Waiver-funded PASSPORT Home Care Program. 49803
Appropriation item 490-403, PASSPORT, and the amounts set aside 49804
for the PASSPORT Waiver Program in appropriation item 490-610, 49805
PASSPORT/Residential State Supplement, may also be used to support 49806
the Department of Aging's administrative costs associated with 49807
operating the PASSPORT program. 49808

The foregoing appropriation item 490-607, PASSPORT, shall be 49809
used to provide the federal matching share for all PASSPORT 49810
program costs determined by the Department of Job and Family 49811
Services to be eligible for Medicaid reimbursement. 49812

OHIO COMMUNITY SERVICE COUNCIL 49813

The foregoing appropriation items 490-409, Ohio Community 49814

Service Council Operations, and 490-617, Ohio Community Service 49815
Council Programs, shall be used in accordance with section 121.40 49816
of the Revised Code. 49817

LONG-TERM CARE OMBUDSMAN 49818

The foregoing appropriation item 490-410, Long-Term Care 49819
Ombudsman, shall be used for a program to fund ombudsman program 49820
activities as authorized in sections 173.14 to 173.27 and section 49821
173.99 of the Revised Code. 49822

SENIOR COMMUNITY SERVICES 49823

Appropriation item 490-411, Senior Community Services, shall 49824
be used for services designated by the Department of Aging, 49825
including, but not limited to, home-delivered and congregate 49826
meals, transportation services, personal care services, respite 49827
services, adult day services, home repair, care coordination, and 49828
decision support systems. Service priority shall be given to low 49829
income, frail, and cognitively impaired persons 60 years of age 49830
and over. The department shall promote cost sharing by service 49831
recipients for those services funded with senior community 49832
services funds, including, when possible, sliding-fee scale 49833
payment systems based on the income of service recipients. 49834

RESIDENTIAL STATE SUPPLEMENT 49835

Under the Residential State Supplement Program, the amount 49836
used to determine whether a resident is eligible for payment and 49837
for determining the amount per month the eligible resident will 49838
receive shall be as follows: 49839

(A) \$900 for a residential care facility, as defined in 49840
section 3721.01 of the Revised Code; 49841

(B) \$900 for an adult group home, as defined in Chapter 3722. 49842
of the Revised Code; 49843

(C) \$800 for an adult foster home, as defined in Chapter 173. 49844

of the Revised Code;	49845
(D) \$800 for an adult family home, as defined in Chapter 3722. of the Revised Code;	49846
(E) \$800 for an adult community alternative home, as defined in Chapter 3724. of the Revised Code;	49848
(F) \$800 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;	49850
(G) \$600 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.	49852
The Departments of Aging and Job and Family Services shall reflect these amounts in any applicable rules the departments adopt under section 173.35 of the Revised Code.	49855
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	49858
The Department of Aging may transfer cash by intrastate transfer vouchers from the foregoing appropriation items 490-412, Residential State Supplement, and 490-610, PASSPORT/Residential State Supplement, to the Department of Job and Family Services' Fund 4J5, Home and Community-Based Services for the Aged Fund. The funds shall be used to make benefit payments to Residential State Supplement recipients.	49859
ALZHEIMERS RESPITE	49866
The foregoing appropriation item 490-414, Alzheimers Respite, shall be used to fund only Alzheimer's disease services under section 173.04 of the Revised Code.	49867
JCFS COMMUNITY OPTIONS	49870
The foregoing appropriation item 490-416, JCFS Community Options, shall be used for noncapital expenses related to transportation services for the elderly that provide access to such things as healthcare services, congregate meals,	49871

socialization programs, and grocery shopping. The funds shall pass 49875
through and shall be administered by the Area Agencies on Aging. 49876
Agencies receiving funding from appropriation item 490-416, JCFS 49877
Community Options, shall coordinate services with other local 49878
service agencies. The appropriation shall be allocated to the 49879
following agencies: 49880

(A) \$80,000 in both fiscal years to Cincinnati Jewish 49881
Vocational Services; 49882

(B) \$70,000 in both fiscal years to Wexner Heritage Village; 49883

(C) \$20,000 in both fiscal years to Yassenoff Jewish 49884
Community Center; 49885

(D) \$80,000 in both fiscal years to Cleveland Jewish 49886
Community Center. 49887

ALLOCATION OF PACE SLOTS 49888

In order to effectively administer and manage growth within 49889
the PACE Program, the Director of Aging may, as the director deems 49890
appropriate and to the extent funding is available, allocate funds 49891
for the PACE Program between the PACE sites in Cleveland and 49892
Cincinnati. 49893

OHIO'S BEST RX START-UP COSTS 49894

An amount equal to the unencumbered balance in appropriation 49895
item 490-440, Ohio's Best Rx Start-up Costs, from fiscal year 2007 49896
is hereby appropriated for fiscal year 2008 into appropriation 49897
item 490-440, Ohio's Best Rx Start-up Costs. 49898

An amount equal to the remaining unencumbered balance in 49899
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, from 49900
fiscal year 2008 is hereby appropriated for fiscal year 2009 into 49901
appropriation item 490-440, Ohio's Best Rx Start-Up Costs. The 49902
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, shall 49903
be used by the Department of Aging to pay for the administrative 49904

and operational expenses of the Ohio's Best Rx Program in 49905
accordance with sections 173.71 to 173.91 of the Revised Code, 49906
including costs associated with the duties assigned by the 49907
department to the Ohio's Best Rx Program Administrator and for 49908
making payments to participating terminal distributors until 49909
sufficient cash exists to make payments from the accounts created 49910
in sections 173.85 and 173.86 of the Revised Code. Of 49911
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, not 49912
more than \$750,000 in each fiscal year may be used by the 49913
department for administrative and operational costs, excluding 49914
outreach, that are not associated with the Ohio's Best Rx Program 49915
Administrator or the payments to participating terminal 49916
distributors. 49917

EDUCATION AND TRAINING 49918

The foregoing appropriation item 490-606, Senior Community 49919
Outreach and Education, may be used to provide training to workers 49920
in the field of aging pursuant to division (G) of section 173.02 49921
of the Revised Code. 49922

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 49923

The foregoing appropriation item 490-609, Regional Long-Term 49924
Care Ombudsman Program, shall be used solely to pay the costs of 49925
operating the regional long-term care ombudsman programs 49926
designated by the Long-Term Care Ombudsman. 49927

PASSPORT/RESIDENTIAL STATE SUPPLEMENT 49928

Of the foregoing appropriation item 490-610, 49929
PASSPORT/Residential State Supplement, up to \$2,835,000 each 49930
fiscal year may be used to fund the Residential State Supplement 49931
Program. The remaining available funds shall be used to fund the 49932
PASSPORT program. 49933

FEDERAL SUPPORTIVE SERVICES FUND 49934

On July 1, 2007, as soon as possible thereafter, the Director of Budget and Management shall transfer all assets, liabilities, revenues, and obligations associated with the Federal Aging Nutrition Fund (Fund 3M3) to the Federal Supportive Services Fund (Fund 3M4). Upon the transfer, the Federal Aging Nutrition Fund (Fund 3M3) shall cease to exist. The Director of Budget and Management shall cancel any existing encumbrances against appropriation item 490-611, Federal Aging Nutrition Fund (Fund 3M3), and re-establish them against appropriation item 490-612, Federal Independence Services (Fund 3M4). The amounts of the re-established encumbrances are hereby appropriated.

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS

Upon written request of the Director of Aging, the Director of Budget and Management may transfer appropriation authority among appropriation items 490-612, Federal Independence Services, and 490-618, Federal Aging Grants, in amounts not to exceed 30 per cent of the appropriation from which the transfer is made. The Department of Aging shall report a transfer to the Controlling Board at the next regularly scheduled meeting of the board.

TRANSFER OF RESIDENT PROTECTION FUNDS

The Director of Budget and Management shall transfer \$600,000 per year in cash from Fund 4E3, Resident Protection Fund, in the Department of Job and Family Services, to Fund 5BA in the Department of Aging, to be used for the expansion of ombudsman services to enhance consumer involvement and person-centered care planning in nursing homes by the Office of the State Long-Term Care Ombudsman created by the Department of Aging under division (M) of section 173.01 of the Revised Code.

Section 213.30. UNIFIED LONG-TERM CARE BUDGET WORKGROUP

(A) There is hereby created the Unified Long-Term Care Budget	49966
Workgroup consisting of the following:	49967
(1) The Director of Aging;	49968
(2) Consumer advocates;	49969
(3) Representatives of the provider community;	49970
(4) State policy makers.	49971
The Director of Aging shall serve as the chairperson of the	49972
Workgroup.	49973
(B) The Workgroup shall develop a unified long-term care	49974
budget that facilitates the following:	49975
(1) Providing a consumer a choice of services that meet the	49976
consumer's health care needs and improve the consumer's quality of	49977
life;	49978
(2) Providing a continuum of services that meet the needs of	49979
a consumer throughout life;	49980
(3) Consolidating policymaking authority and the associated	49981
budgets in a single entity to simplify the consumer's decision	49982
making and maximize the state's flexibility in meeting the	49983
consumer's needs;	49984
(4) Assuring the state has a system that is cost effective	49985
and links disparate services across agencies and jurisdictions.	49986
(C) The Workgroup shall submit a written implementation plan	49987
to the Governor not later than June 1, 2008. The plan shall	49988
incorporate the following:	49989
(1) Recommendations regarding the structure of the unified	49990
long-term care budget;	49991
(2) A plan outlining how funds can be transferred among	49992
involved agencies in a fiscally neutral manner;	49993
(3) Identification of the resources needed to implement the	49994

unified budget in a multiphase approach starting in fiscal year	49995
2009;	49996
(4) Success criteria and tools to measure progress against	49997
the success criteria.	49998
The plan shall consider the recommendations of the Medicaid	49999
Administrative Study Council and the Ohio Commission to Reform	50000
Medicaid.	50001
(D) The Director of Budget and Management may do any of the	50002
following in support of the Workgroup's proposal:	50003
(1) Create new funds and account appropriation items to	50004
support and track funds associated with a unified long-term care	50005
budget;	50006
(2) Transfer funds among affected agencies and adjust	50007
corresponding appropriation levels;	50008
(3) Develop a reporting mechanism to show clearly how the	50009
funds are being transferred and expended.	50010
OHIO'S BEST RX ADMINISTRATION	50011
The foregoing appropriation item 490-673, Ohio's Best Rx	50012
Administration, shall be used on an ongoing basis to cover	50013
expenses associated with the Ohio's Best Rx Program specified in	50014
section 173.86 of the Revised Code. If receipts to the fund exceed	50015
the appropriated amount, the Director of Aging may request that	50016
the Director of Budget and Management increase the appropriation	50017
of this fund. Upon approval from the Director of Budget and	50018
Management, the additional amounts are hereby appropriated.	50019
Section 215.10. AGR DEPARTMENT OF AGRICULTURE	50020
General Revenue Fund	50021
GRF 700-321 Operating Expenses \$ 2,605,330 \$ 2,605,330	50022
GRF 700-401 Animal Disease Control \$ 3,574,506 \$ 3,574,506	50023

GRF 700-403	Dairy Division	\$	1,304,504	\$	1,304,504	50024
GRF 700-404	Ohio Proud	\$	207,895	\$	207,895	50025
GRF 700-406	Consumer Analytical Lab	\$	953,906	\$	953,906	50026
GRF 700-407	Food Safety	\$	865,100	\$	865,100	50027
GRF 700-409	Farmland Preservation	\$	241,573	\$	241,573	50028
GRF 700-410	Plant Industry	\$	50,000	\$	50,000	50029
GRF 700-411	International Trade and Market Development	\$	617,524	\$	517,524	50030
GRF 700-412	Weights and Measures	\$	1,300,000	\$	1,300,000	50031
GRF 700-413	Gypsy Moth Prevention	\$	200,000	\$	200,000	50032
GRF 700-415	Poultry Inspection	\$	325,000	\$	325,000	50033
GRF 700-418	Livestock Regulation Program	\$	1,428,496	\$	1,428,496	50034
GRF 700-424	Livestock Testing and Inspections	\$	115,946	\$	115,946	50035
GRF 700-499	Meat Inspection Program - State Share	\$	4,696,889	\$	4,696,889	50036
GRF 700-501	County Agricultural Societies	\$	483,226	\$	483,226	50037
TOTAL GRF	General Revenue Fund	\$	18,969,895	\$	18,869,895	50038
	General Services Fund Group					50039
5DA 700-644	Laboratory Administration Support	\$	1,100,000	\$	1,100,000	50040
TOTAL GSF	General Services Fund Group	\$	1,100,000	\$	1,100,000	50041
	Federal Special Revenue Fund Group					50042
3AB 700-641	Agricultural Easement	\$	2,000,000	\$	2,000,000	50043
3J4 700-607	Indirect Cost	\$	600,000	\$	600,000	50044
3R2 700-614	Federal Plant Industry	\$	4,800,000	\$	4,800,000	50045
326 700-618	Meat Inspection Program - Federal	\$	4,960,000	\$	4,950,000	50046

		Share					
336	700-617	Ohio Farm Loan	\$	44,679	\$	44,679	50047
		Revolving Fund					
382	700-601	Cooperative Contracts	\$	3,700,000	\$	3,700,000	50048
		TOTAL FED Federal Special Revenue					50049
		Fund Group	\$	16,104,679	\$	16,094,679	50050
		State Special Revenue Fund Group					50051
4C9	700-605	Feed, Fertilizer, Seed, and Lime Inspection	\$	1,850,000	\$	1,850,000	50052
4D2	700-609	Auction Education	\$	24,601	\$	24,601	50053
4E4	700-606	Utility Radiological Safety	\$	73,059	\$	73,059	50054
4P7	700-610	Food Safety Inspection	\$	858,096	\$	858,096	50055
4R2	700-637	Dairy Industry Inspection	\$	1,500,000	\$	1,500,000	50056
4T6	700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294	50057
4T7	700-613	International Trade and Market Development	\$	15,000	\$	15,000	50058
494	700-612	Agricultural Commodity Marketing Program	\$	250,000	\$	250,000	50059
496	700-626	Ohio Grape Industries	\$	850,000	\$	849,999	50060
497	700-627	Commodity Handlers Regulatory Program	\$	500,000	\$	500,000	50061
5B8	700-629	Auctioneers	\$	365,390	\$	365,390	50062
5H2	700-608	Metrology Lab and Scale Certification	\$	427,526	\$	427,526	50063
5L8	700-604	Livestock Management Program	\$	30,000	\$	30,000	50064
578	700-620	Ride Inspection Fees	\$	1,000,000	\$	1,000,001	50065
652	700-634	Animal and Consumer Analytical Laboratory	\$	3,000,000	\$	3,000,000	50066

669 700-635 Pesticide Program	\$	2,800,000	\$	2,800,000	50067
TOTAL SSR State Special Revenue					50068
Fund Group	\$	13,590,966	\$	13,590,966	50069
Clean Ohio Fund Group					50070
057 700-632 Clean Ohio	\$	149,000	\$	149,000	50071
Agricultural Easement					
TOTAL CLR Clean Ohio Fund Group	\$	149,000	\$	149,000	50072
TOTAL ALL BUDGET FUND GROUPS	\$	49,914,540	\$	49,804,540	50073
OHIO - ISRAEL AGRICULTURAL INITIATIVE					50074
Of the foregoing General Revenue Fund appropriation item					50075
700-411, International Trade and Market Development, \$100,000					50076
shall be used in fiscal year 2008 for the Ohio - Israel					50077
Agricultural Initiative.					50078
HEALTHY FARMS AND HEALTHY SCHOOLS GRANTS					50079
Of the foregoing appropriation item 700-501, County					50080
Agricultural Societies, \$125,000 in each fiscal year shall be used					50081
for the Healthy Farms and Healthy Schools Grants Program to					50082
provide grants to schools to establish nutrition education and					50083
agriculture education programs for kindergartners in Perry County.					50084
CORRECTIVE CASH TRANSFER TO ANIMAL HEALTH AND FOOD SAFETY					50085
FUND					50086
On the effective date of this section, or as soon as possible					50087
thereafter, the Director of Budget and Management may transfer all					50088
cash from the Animal Industry Laboratory Fund (Fund 4V5) to the					50089
Laboratory Services Fund (Fund 652) to correct deposits that were					50090
mistakenly deposited to the Laboratory Services Fund (Fund 4V5).					50091
Section 217.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY					50092
General Revenue Fund					50093
GRF 898-402 Coal Development	\$	570,692	\$	612,692	50094
Office					

GRF 898-901 Coal R&D General	\$	7,232,400	\$	8,192,500	50095
Obligation Debt					
Service					
TOTAL GRF General Revenue Fund	\$	7,803,092	\$	8,805,192	50096
General Services Fund Group					50097
5EG 898-608 Energy Strategy	\$	307,000	\$	307,000	50098
Development					
TOTAL GSF General Services Fund	\$	307,000	\$	307,000	50099
Agency Fund Group					50100
4Z9 898-602 Small Business	\$	287,146	\$	294,290	50101
Ombudsman					
5A0 898-603 Small Business	\$	71,087	\$	71,087	50102
Assistance					
570 898-601 Operating Expenses	\$	255,000	\$	264,000	50103
TOTAL AGY Agency Fund Group	\$	613,233	\$	629,377	50104
Coal Research/Development Fund					50105
046 898-604 Coal Research and	\$	10,000,000	\$	10,000,000	50106
Development Fund					
TOTAL 046 Coal	\$	10,000,000	\$	10,000,000	50107
Research/Development Fund					
TOTAL ALL BUDGET FUND GROUPS	\$	18,723,325	\$	19,741,569	50108
COAL DEVELOPMENT OFFICE					50109
The foregoing appropriation item GRF 898-402, Coal					50110
Development Office, shall be used for the administrative costs of					50111
the Coal Development Office.					50112
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE					50113
The foregoing appropriation item GRF 898-901, Coal R & D					50114
General Obligation Debt Service, shall be used to pay all debt					50115
service and related financing costs at the times they are required					50116
to be made during the period from July 1, 2007 to June 30, 2009					50117
for obligations issued under sections 151.01 and 151.07 of the					50118

Revised Code. 50119

SCIENCE AND TECHNOLOGY COLLABORATION 50120

The Air Quality Development Authority shall work in close 50121
collaboration with the Department of Development, the Board of 50122
Regents, and the Third Frontier Commission in relation to 50123
appropriation items and programs referred to as Alignment Programs 50124
in the following paragraph, and other technology-related 50125
appropriations and programs in the Department of Development, Air 50126
Quality Development Authority, and the Board of Regents as those 50127
agencies may designate, to ensure implementation of a coherent 50128
state strategy with respect to science and technology. 50129

To the extent permitted by law, the Air Quality Development 50130
Authority shall assure that coal research and development 50131
programs, proposals, and projects consider or incorporate 50132
appropriate collaborations with Third Frontier Project programs 50133
and grantees and with Alignment Programs and grantees. 50134

"Alignment Programs" means: appropriation items 195-401, 50135
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 50136
Third Frontier Action Fund; 898-604, Coal Research and Development 50137
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 50138
Institute of Technology; 235-510, Ohio Supercomputer Center; 50139
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 50140
235-535, Ohio Agricultural Research and Development Center; 50141
235-553, Dayton Area Graduate Studies Institute; 235-554, 50142
Priorities in Collaborative Graduate Education; 235-556, Ohio 50143
Academic Resources Network; and 195-435, Biomedical Research and 50144
Technology Transfer Trust. 50145

Consistent with the recommendations of the Governor's 50146
Commission on Higher Education and the Economy, Alignment Programs 50147
shall be managed and administered (1) to build on existing 50148
competitive research strengths, (2) to encourage new and emerging 50149

discoveries and commercialization of ideas and products that will 50150
benefit the Ohio economy, and (3) to assure improved collaboration 50151
among Alignment Programs, with programs administered by the Third 50152
Frontier Commission, and with other state programs that are 50153
intended to improve economic growth and job creation. 50154

As directed by the Third Frontier Commission, Alignment 50155
Program managers shall report to the Commission or to the Third 50156
Frontier Advisory Board on the contributions of their programs to 50157
achieving the objectives stated in the preceding paragraph. 50158

Each alignment program shall be reviewed annually by the 50159
Third Frontier Commission with respect to its development of 50160
complementary relationships within a combined state science and 50161
technology investment portfolio and its overall contribution to 50162
the state's science and technology strategy, including the 50163
adoption of appropriately consistent criteria for: (1) the 50164
scientific merit of activities supported by the program; (2) the 50165
relevance of the program's activities to commercial opportunities 50166
in the private sector; (3) the private sector's involvement in a 50167
process that continually evaluates commercial opportunities to use 50168
the work supported by the program; and (4) the ability of the 50169
program and recipients of grant funding from the program to engage 50170
in activities that are collaborative, complementary, and efficient 50171
with respect to the expenditure of state funds. Each alignment 50172
program shall provide annual reports to the Third Frontier 50173
Commission discussing existing, planned, or possible 50174
collaborations between programs and recipients of grant funding 50175
related to technology, development, commercialization, and 50176
supporting Ohio's economic development. The annual review by the 50177
Third Frontier Commission shall be a comprehensive review of the 50178
entire state science and technology program portfolio rather than 50179
a review of individual programs. 50180

Applicants for Third Frontier and Alignment Program funding 50181

shall identify their requirements for high-performance computing facilities and services, including both hardware and software, in all proposals. If an applicant's requirements exceed approximately \$100,000 for a proposal, the Ohio Supercomputer Center shall convene a panel of experts. The panel shall review the proposal to determine whether the proposal's requirements can be met through Ohio Supercomputer Center facilities or through other means and report its conclusion to the Third Frontier Commission.

To ensure that the state receives the maximum benefit from its investment in the Third Frontier Project and the Third Frontier Network, organizations receiving Third Frontier awards and Alignment Program awards shall, as appropriate, be expected to have a connection to the Third Frontier Network that enables them and their collaborators to achieve award objectives through the Third Frontier Network.

CORRECTIVE CASH TRANSFER

On the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management may transfer \$35,555.35 in cash from the Coal Research and Development Fund (Fund 046) into the Coal Research and Development Bond Services Fund (Fund 076) to correct deposits that were mistakenly deposited into the Coal Research and Development Fund (Fund 046).

Section 219.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES

General Revenue Fund				50206	
GRF 038-321 Operating Expenses	\$	1,071,861	\$	1,071,861	50207
GRF 038-401 Treatment Services	\$	31,661,063	\$	34,661,063	50208
GRF 038-404 Prevention Services	\$	1,052,127	\$	1,552,127	50209
GRF 038-501 System Reform	\$	0	\$	305,000	50210
TOTAL GRF General Revenue Fund	\$	33,785,051	\$	37,590,051	50211

General Services Fund				50212
5T9 038-616 Problem Gambling	\$	285,000	\$ 285,000	50213
Services				
TOTAL GSF General Services Fund	\$	285,000	\$ 285,000	50214
Group				
Federal Special Revenue Fund Group				50215
3CK 038-625 TANF	\$	5,000,000	\$ 5,000,000	50216
3G3 038-603 Drug Free Schools	\$	3,500,000	\$ 3,500,000	50217
3G4 038-614 Substance Abuse Block	\$	73,000,000	\$ 73,000,000	50218
Grant				
3H8 038-609 Demonstration Grants	\$	7,093,075	\$ 7,093,075	50219
3J8 038-610 Medicaid	\$	46,000,000	\$ 46,000,000	50220
3N8 038-611 Administrative	\$	500,000	\$ 500,000	50221
Reimbursement				
TOTAL FED Federal Special Revenue				50222
Fund Group	\$	135,093,075	\$ 135,093,075	50223
State Special Revenue Fund Group				50224
475 038-621 Statewide Treatment	\$	18,000,000	\$ 18,000,000	50225
and Prevention				
5BR 038-406 Tobacco Use Prevention	\$	205,000	\$ 205,000	50226
and Control Program				
5DH 038-620 Fetal Alcohol Spectrum	\$	327,500	\$ 327,500	50227
Disorder				
689 038-604 Education and	\$	350,000	\$ 350,000	50228
Conferences				
TOTAL SSR State Special Revenue				50229
Fund Group	\$	18,882,500	\$ 18,882,500	50230
TOTAL ALL BUDGET FUND GROUPS	\$	188,045,626	\$ 191,850,626	50231
TREATMENT SERVICES				50232
Of the foregoing appropriation item 038-401, Treatment				50233
Services, not more than \$8,190,000 shall be used by the Department				50234
of Alcohol and Drug Addiction Services for program grants for				50235

priority populations in each year of the biennium.	50236
SUBSTANCE ABUSE SERVICES FOR FAMILIES OF AT RISK CHILDREN	50237
Of the foregoing appropriation item 038-401, Treatment	50238
Services, \$4 million in each fiscal year shall be used to provide	50239
substance abuse services to families involved in the child welfare	50240
system under the requirements of Am. Sub. H.B. 484 of the 122nd	50241
General Assembly.	50242
THERAPEUTIC COMMUNITIES	50243
Of the foregoing appropriation item 038-401, Treatment	50244
Services, \$750,000 shall be used in each fiscal year for the	50245
Therapeutic Communities Program in the Department of	50246
Rehabilitation and Correction.	50247
JUVENILE AFTERCARE PROGRAM	50248
Of the foregoing appropriation item 038-401, Treatment	50249
Services, \$3,000,000 shall be used in fiscal year 2009 for the	50250
Juvenile Aftercare Program to provide community-based alcohol and	50251
other drug treatment to parolees from the Department of Youth	50252
Services.	50253
PARENT ENGAGEMENT	50254
The Department of Alcohol and Drug Addiction Services shall	50255
identify strategies and opportunities for parent engagement in	50256
alcohol and other drug abuse prevention activities. Of the	50257
foregoing appropriation item 038-404, Prevention Services, \$30,000	50258
in each fiscal year may be used to support state-level parent	50259
engagement.	50260
CIRCLE OF RECOVERY	50261
Of the foregoing appropriation item 038-404, Prevention	50262
Services, \$500,000 shall be used in fiscal year 2009 for the	50263
Circle of Recovery Program to help parolees transition from the	50264
criminal justice system to the community.	50265

SYSTEM REFORM	50266
Following receipt of a review performed by the Office of Budget and Management, the Director of Alcohol and Drug Addiction Services shall develop a plan for the use of appropriation item 038-501, System Reform. Following approval of the plan by the Director of Budget and Management, the Department of Alcohol and Drug Addiction Services may begin expending the dollars appropriated to appropriation item 038-501, System Reform.	50267 50268 50269 50270 50271 50272 50273
SERVICES FOR TANF-ELIGIBLE INDIVIDUALS	50274
Of the foregoing appropriation item 038-625, TANF Reimbursement, an amount up to \$5 million each year shall be used to reimburse counties for TANF-eligible expenditures for substance abuse prevention and treatment services to children, or their families, whose income is at or below 200 per cent of the federal poverty level. The Director of Alcohol and Drug Addiction Services and the Director of Job and Family Services shall enter into an interagency agreement that meets federal requirements.	50275 50276 50277 50278 50279 50280 50281 50282
Section 219.20. STUDY OF PROVIDER RATES	50283
The Director of Alcohol and Drug Addiction Services shall convene a study group to review the current provider rate structure of drug and alcohol addiction services and make recommendations. The study group shall be comprised of state and county representatives and members of the provider communities.	50284 50285 50286 50287 50288
Section 221.10. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS	50289
General Services Fund Group	50290
4K9 891-609 Operating Expenses \$ 638,110 \$ 565,141	50291
TOTAL GSF General Services Fund Group	50292
Group \$ 638,110 \$ 565,141	50293
TOTAL ALL BUDGET FUND GROUPS \$ 638,110 \$ 565,141	50294

Section 223.10. ART OHIO ARTS COUNCIL				50296
General Revenue Fund				50297
GRF 370-100 Personal Services	\$	1,798,235	\$ 1,798,235	50298
GRF 370-200 Maintenance	\$	459,746	\$ 459,746	50299
GRF 370-300 Equipment	\$	82,700	\$ 82,700	50300
GRF 370-502 State Program	\$	9,147,480	\$ 9,147,480	50301
Subsidies				
TOTAL GRF General Revenue Fund	\$	11,488,161	\$ 11,488,161	50302
General Services Fund Group				50303
4B7 370-603 Percent for Art	\$	86,366	\$ 86,366	50304
Acquisitions				
460 370-602 Management Expenses	\$	285,000	\$ 285,000	50305
and Donations				
TOTAL GSF General Services Fund	\$	371,366	\$ 371,366	50306
Group				
Federal Special Revenue Fund Group				50307
314 370-601 Federal Support	\$	800,000	\$ 800,000	50308
TOTAL FED Federal Special Revenue	\$	800,000	\$ 800,000	50309
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	12,659,527	\$ 12,659,527	50310
PROGRAM SUBSIDIES				50311
A museum is not eligible to receive funds from appropriation				50312
item 370-502, State Program Subsidies, if \$8,000,000 or more in				50313
capital appropriations were appropriated by the state for the				50314
museum between January 1, 1986, and December 31, 2002.				50315
Section 225.10. ATH ATHLETIC COMMISSION				50316
General Services Fund Group				50317
4K9 175-609 Operating Expenses	\$	255,850	\$ 255,850	50318
TOTAL GSF General Services Fund	\$	255,850	\$ 255,850	50319

Group

TOTAL ALL BUDGET FUND GROUPS	\$	255,850	\$	255,850	50320
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Section 227.10. AGO ATTORNEY GENERAL					50322
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General Revenue Fund					50323
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GRF 055-321 Operating Expenses	\$	54,063,833	\$	54,007,332	50324
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GRF 055-404 Tobacco Settlement	\$	0	\$	723,797	50325
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Enforcement

GRF 055-411 County Sheriffs' Pay	\$	813,117	\$	842,134	50326
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Supplement

GRF 055-415 County Prosecutors'	\$	896,404	\$	923,888	50327
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Pay Supplement

TOTAL GRF General Revenue Fund	\$	55,773,354	\$	56,497,151	50328
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General Services Fund Group					50329
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106 055-612 General Reimbursement	\$	29,870,196	\$	29,870,196	50330
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195 055-660 Workers' Compensation	\$	8,002,720	\$	8,002,720	50331
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Section

4Y7 055-608 Title Defect	\$	750,000	\$	750,000	50332
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Rescission

4Z2 055-609 BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000	50333
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and Cost Reimbursement

418 055-615 Charitable Foundations	\$	6,919,850	\$	7,064,978	50334
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420 055-603 Attorney General	\$	1,500,000	\$	1,500,000	50335
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Antitrust

421 055-617 Police Officers'	\$	2,000,000	\$	2,000,000	50336
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Training Academy Fee

5A9 055-618 Telemarketing Fraud	\$	7,500	\$	7,500	50337
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Enforcement

590 055-633 Peace Officer Private	\$	98,370	\$	98,370	50338
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Security Fund

629 055-636 Corrupt Activity	\$	15,000	\$	15,000	50339
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Investigation and

Prosecution					
631	055-637	Consumer Protection	\$ 2,500,000	\$ 2,500,000	50340
Enforcement					
TOTAL GSF General Services Fund					50341
Group			\$ 52,663,636	\$ 52,808,764	50342
Federal Special Revenue Fund Group					50343
3E5	055-638	Attorney General	\$ 2,850,000	\$ 3,030,000	50344
Pass-Through Funds					
3R6	055-613	Attorney General	\$ 4,870,000	\$ 5,115,000	50345
Federal Funds					
306	055-620	Medicaid Fraud Control	\$ 3,139,500	\$ 3,296,500	50346
381	055-611	Civil Rights Legal	\$ 402,540	\$ 402,540	50347
Service					
383	055-634	Crime Victims	\$ 16,000,000	\$ 16,000,000	50348
Assistance					
TOTAL FED Federal Special Revenue					50349
Fund Group			\$ 27,262,040	\$ 27,844,040	50350
State Special Revenue Fund Group					50351
4L6	055-606	DARE	\$ 3,927,962	\$ 3,927,962	50352
402	055-616	Victims of Crime	\$ 34,000,000	\$ 34,000,000	50353
419	055-623	Claims Section	\$ 25,000,000	\$ 25,000,000	50354
659	055-641	Solid and Hazardous	\$ 621,159	\$ 621,159	50355
Waste Background					
Investigations					
TOTAL SSR State Special Revenue					50356
Fund Group			\$ 63,549,121	\$ 63,549,121	50357
Holding Account Redistribution Fund Group					50358
R04	055-631	General Holding	\$ 1,000,000	\$ 1,000,000	50359
Account					
R05	055-632	Antitrust Settlements	\$ 1,000	\$ 1,000	50360
R18	055-630	Consumer Frauds	\$ 750,000	\$ 750,000	50361
R42	055-601	Organized Crime	\$ 25,025	\$ 25,025	50362

Commission

Distributions

TOTAL 090 Holding Account				50363	
Redistribution Fund Group	\$	1,776,025	\$	1,776,025	50364
TOTAL ALL BUDGET FUND GROUPS	\$	201,024,176	\$	202,475,101	50365

TOBACCO SETTLEMENT ENFORCEMENT 50366

The foregoing appropriation item 055-404, Tobacco Settlement 50367
Enforcement, shall be used by the Attorney General to pay costs 50368
incurred in the oversight, administration, and enforcement of the 50369
Tobacco Master Settlement Agreement. 50370

COUNTY SHERIFFS' PAY SUPPLEMENT 50371

The foregoing appropriation item 055-411, County Sheriffs' 50372
Pay Supplement, shall be used for the purpose of supplementing the 50373
annual compensation of county sheriffs as required by section 50374
325.06 of the Revised Code. 50375

At the request of the Attorney General, the Director of 50376
Budget and Management may transfer appropriation authority from 50377
appropriation item 055-321, Operating Expenses, to appropriation 50378
item 055-411, County Sheriffs' Pay Supplement. Any appropriation 50379
authority so transferred to appropriation item 055-411, County 50380
Sheriffs' Pay Supplement, shall be used to supplement the annual 50381
compensation of county sheriffs as required by section 325.06 of 50382
the Revised Code. 50383

COUNTY PROSECUTORS' PAY SUPPLEMENT 50384

The foregoing appropriation item 055-415, County Prosecutors' 50385
Pay Supplement, shall be used for the purpose of supplementing the 50386
annual compensation of certain county prosecutors as required by 50387
section 325.111 of the Revised Code. 50388

At the request of the Attorney General, the Director of 50389
Budget and Management may transfer appropriation authority from 50390
appropriation item 055-321, Operating Expenses, to appropriation 50391

item 055-415, County Prosecutors' Pay Supplement. Any 50392
appropriation authority so transferred to appropriation item 50393
055-415, County Prosecutors' Pay Supplement, shall be used to 50394
supplement the annual compensation of county prosecutors as 50395
required by section 325.111 of the Revised Code. 50396

WORKERS' COMPENSATION SECTION 50397

The Workers' Compensation Section Fund (Fund 195) is entitled 50398
to receive payments from the Bureau of Workers' Compensation and 50399
the Ohio Industrial Commission at the beginning of each quarter of 50400
each fiscal year to fund legal services to be provided to the 50401
Bureau of Workers' Compensation and the Ohio Industrial Commission 50402
during the ensuing quarter. The advance payment shall be subject 50403
to adjustment. 50404

In addition, the Bureau of Workers' Compensation shall 50405
transfer payments at the beginning of each quarter for the support 50406
of the Workers' Compensation Fraud Unit. 50407

All amounts shall be mutually agreed upon by the Attorney 50408
General, the Bureau of Workers' Compensation, and the Ohio 50409
Industrial Commission. 50410

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 50411

The foregoing appropriation item 055-636, Corrupt Activity 50412
Investigation and Prosecution, shall be used as provided by 50413
division (D)(2) of section 2923.35 of the Revised Code to dispose 50414
of the proceeds, fines, and penalties credited to the Corrupt 50415
Activity Investigation and Prosecution Fund, which is created in 50416
division (D)(1)(b) of section 2923.35 of the Revised Code. If it 50417
is determined that additional amounts are necessary for this 50418
purpose, the amounts are hereby appropriated. 50419

GENERAL HOLDING ACCOUNT 50420

The foregoing appropriation item 055-631, General Holding 50421

Account, shall be used to distribute moneys under the terms of 50422
relevant court orders received from settlements in a variety of 50423
cases involving the Office of the Attorney General. If it is 50424
determined that additional amounts are necessary for this purpose, 50425
the amounts are hereby appropriated. 50426

ATTORNEY GENERAL PASS-THROUGH FUNDS 50427

The foregoing appropriation item 055-638, Attorney General 50428
Pass-Through Funds, shall be used to receive federal grant funds 50429
provided to the Attorney General by other state agencies, 50430
including, but not limited to, the Department of Youth Services 50431
and the Department of Public Safety. 50432

ANTITRUST SETTLEMENTS 50433

The foregoing appropriation item 055-632, Antitrust 50434
Settlements, shall be used to distribute court-ordered antitrust 50435
settlements in which the Office of Attorney General represents the 50436
state or a political subdivision under section 109.81 of the 50437
Revised Code. If it is determined that additional amounts are 50438
necessary for this purpose, the amounts are hereby appropriated. 50439

CONSUMER FRAUDS 50440

The foregoing appropriation item 055-630, Consumer Frauds, 50441
shall be used for distribution of moneys from court-ordered 50442
judgments against sellers in actions brought by the Office of 50443
Attorney General under sections 1334.08 and 4549.48 and division 50444
(B) of section 1345.07 of the Revised Code. These moneys shall be 50445
used to provide restitution to consumers victimized by the fraud 50446
that generated the court-ordered judgments. If it is determined 50447
that additional amounts are necessary for this purpose, the 50448
amounts are hereby appropriated. 50449

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 50450

The foregoing appropriation item 055-601, Organized Crime 50451

Commission Distributions, shall be used by the Organized Crime 50452
Investigations Commission, as provided by section 177.011 of the 50453
Revised Code, to reimburse political subdivisions for the expenses 50454
the political subdivisions incur when their law enforcement 50455
officers participate in an organized crime task force. If it is 50456
determined that additional amounts are necessary for this purpose, 50457
the amounts are hereby appropriated. 50458

FUND ADJUSTMENTS 50459

On July 1, 2007, or as soon as practicable thereafter, the 50460
Director of Budget and Management shall transfer the cash balance 50461
in the Employment Services Fund (Fund 107) to the General 50462
Reimbursement Fund (Fund 106). The Director shall cancel any 50463
existing encumbrances against appropriation item 055-624, 50464
Employment Services, and re-establish them against appropriation 50465
item 055-612, General Reimbursement. The amounts of the 50466
re-established encumbrances are hereby appropriated. Upon 50467
completion of these transfers, the Employment Services Fund (Fund 50468
107) is hereby abolished. 50469

On July 1, 2007, or as soon as practicable thereafter, the 50470
Director of Budget and Management shall transfer the cash balance 50471
in the Crime Victims Compensation Fund (Fund 108) to the 50472
Reparations Fund (Fund 402). Upon completion of this transfer, the 50473
Crime Victims Compensation Fund (Fund 108) is hereby abolished. 50474

Section 229.10. AUD AUDITOR OF STATE 50475

General Revenue Fund 50476

GRF 070-321 Operating Expenses \$ 31,469,552 \$ 32,771,482 50477

GRF 070-403 Fiscal Watch/Emergency \$ 600,000 \$ 600,000 50478

Technical Assistance

TOTAL GRF General Revenue Fund \$ 32,069,552 \$ 33,371,482 50479

Auditor of State Fund Group 50480

109	070-601	Public Audit Expense -	\$	11,000,000	\$	11,000,000	50481
		Intra-State					
422	070-601	Public Audit Expense -	\$	33,000,000	\$	34,000,000	50482
		Local Government					
584	070-603	Training Program	\$	181,250	\$	181,250	50483
675	070-605	Uniform Accounting	\$	3,317,336	\$	3,317,336	50484
		Network					
		TOTAL AUD Auditor of State Fund					50485
		Group	\$	47,498,586	\$	48,498,586	50486
		TOTAL ALL BUDGET FUND GROUPS	\$	79,568,138	\$	81,870,068	50487

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 50488

The foregoing appropriation item 070-403, Fiscal 50489
 Watch/Emergency Technical Assistance, shall be used for expenses 50490
 incurred by the Office of the Auditor of State in its role 50491
 relating to fiscal watch or fiscal emergency activities under 50492
 Chapters 118. and 3316. of the Revised Code. Expenses include, but 50493
 are not limited to, the following: duties related to the 50494
 determination or termination of fiscal watch or fiscal emergency 50495
 of municipal corporations, counties, or townships as outlined in 50496
 Chapter 118. of the Revised Code and of school districts as 50497
 outlined in Chapter 3316. of the Revised Code; development of 50498
 preliminary accounting reports; performance of annual forecasts; 50499
 provision of performance audits; and supervisory, accounting, or 50500
 auditing services for the mentioned public entities and school 50501
 districts. The unencumbered balance of appropriation item 070-403, 50502
 Fiscal Watch/Emergency Technical Assistance, at the end of fiscal 50503
 year 2008 is transferred to fiscal year 2009 for use under the 50504
 same appropriation item. 50505

ELECTRONIC DATA PROCESSING 50506

The unencumbered balance of appropriation item 070-405, 50507
 Electronic Data Processing - Auditing and Administration, at the 50508
 end of fiscal year 2008 is transferred to fiscal year 2009 for use 50509

under the same appropriation item. 50510

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 50511

TRANSFER 50512

Upon the request of the Auditor of State, effective July 1, 50513

2007, or as soon thereafter as possible, the Director of Budget 50514

and Management shall transfer the appropriation balance in GRF 50515

appropriation item 070-406, Uniform Accounting Network/Technology 50516

Improvements Fund, to GRF appropriation item 070-321, Operating 50517

Expenses. The Director shall cancel any existing encumbrances 50518

against GRF appropriation item 070-406, Uniform Accounting 50519

Network/Technology Improvement Fund, and re-establish them against 50520

GRF appropriation item 070-321, Operating Expenses. The amounts of 50521

the re-established encumbrances are hereby appropriated. 50522

Section 231.10. BRB BOARD OF BARBER EXAMINERS 50523

General Services Fund Group 50524

4K9 877-609 Operating Expenses	\$	608,045	\$	628,264	50525
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TOTAL GSF General Services Fund 50526

Group	\$	608,045	\$	628,264	50527
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TOTAL ALL BUDGET FUND GROUPS	\$	608,045	\$	628,264	50528
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Section 233.10. OBM OFFICE OF BUDGET AND MANAGEMENT 50530

General Revenue Fund 50531

GRF 042-321 Budget Development and	\$	2,026,011	\$	2,128,284	50532
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Implementation

GRF 042-410 National Association	\$	28,700	\$	29,561	50533
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Dues

GRF 042-412 Audit of Auditor of	\$	60,460	\$	60,460	50534
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State

GRF 042-413 Payment Issuance	\$	1,191,802	\$	1,150,192	50535
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GRF 042-416 Medicaid Agency	\$	0	\$	1,500,000	50536
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Transition

TOTAL GRF General Revenue Fund	\$	3,306,973	\$	4,868,497	50537
General Services Fund Group					50538
105 042-603 State Accounting and Budgeting	\$	12,115,134	\$	12,742,551	50539
TOTAL GSF General Services Fund Group	\$	12,115,134	\$	12,742,551	50540
Federal Special Revenue Fund Group					50541
3CM 042-606 Medicaid Agency Transition	\$	0	\$	1,500,000	50542
TOTAL FED Federal Special Revenue Fund Group	\$	0	\$	1,500,000	50543
State Special Revenue Fund Group					50544
5N4 042-602 OAKS Project Implementation	\$	2,200,725	\$	2,132,168	50545
TOTAL SSR State Special Revenue Fund Group	\$	2,200,725	\$	2,132,168	50546
Agency Fund Group					50547
5EH 042-604 Forgery Recovery	\$	35,000	\$	35,000	50548
TOTAL AGY Agency Fund Group	\$	35,000	\$	35,000	50549
TOTAL ALL BUDGET FUND GROUPS	\$	17,657,832	\$	21,278,216	50550
AUDIT COSTS					50551
Of the foregoing appropriation item 042-603, State Accounting and Budgeting, not more than \$435,000 in fiscal year 2008 and \$445,000 in fiscal year 2009 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.					50552 50553 50554 50555 50556 50557
Section 233.20. OAKS SUPPORT ORGANIZATION					50558
The OAKS Support Organization shall operate and maintain the financial management module of the state's enterprise resource					50559 50560

planning system to support the activities of the Office of Budget and Management. The OAKS Support Organization shall recover the costs to establish and maintain the enterprise resource planning system through billings to the Office of Budget and Management.

Effective July 1, 2007, the Office of Budget Management shall include the recovery of costs to administer the financial module of the OAKS System in the accounting and budgeting services payroll rate. These revenues shall be deposited to the credit of the Accounting and Budgeting Services Fund (Fund 105). Amounts deposited under this section are hereby appropriated to appropriation item 042-603, State Accounting and Budgeting. Not less than quarterly, the Office of Budget and Management shall process the intrastate transfer voucher billings to transfer the Accounting and Budgeting Services Fund (Fund 105) to the OAKS Support Organization Fund (Fund 5EB), to pay for the OAKS Support Organization Costs.

TRANSFER BALANCE OF CONTINUOUS RECEIPTS FUND

On or before July 31, 2007, the unencumbered cash balance in the Continuous Receipts Fund (Fund R06) shall be transferred to the Forgery Recovery Fund (Fund 5EH).

Section 235.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

General Revenue Fund

GRF 874-100 Personal Services	\$	1,957,000	\$	1,957,000	
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GRF 874-320 Maintenance and	\$	985,837	\$	980,837	
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Equipment

TOTAL GRF General Revenue Fund	\$	2,942,837	\$	2,937,837	
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General Services Fund Group

4G5 874-603 Capitol Square	\$	15,000	\$	15,000	
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Education Center and
Arts

4S7 874-602 Statehouse Gift	\$	650,484	\$	650,484	50588
Shop/Events					
TOTAL GSF General Services					50589
Fund Group	\$	665,484	\$	665,484	50590
Underground Parking Garage					50591
208 874-601 Underground Parking	\$	2,706,993	\$	2,706,993	50592
Garage Operations					
TOTAL UPG Underground Parking					50593
Garage	\$	2,706,993	\$	2,706,993	50594
TOTAL ALL BUDGET FUND GROUPS	\$	6,315,314	\$	6,310,314	50595
 Section 237.10. SCR STATE BOARD OF CAREER COLLEGES AND					50597
SCHOOLS					50598
General Services Fund Group					50599
4K9 233-601 Operating Expenses	\$	552,300	\$	572,700	50600
TOTAL GSF General Services Fund	\$	552,300	\$	572,700	50601
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	552,300	\$	572,700	50602
 Section 239.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD					50604
General Services Fund Group					50605
4K9 930-609 Operating Expenses	\$	530,864	\$	551,146	50606
TOTAL GSF General Services Fund	\$	530,864	\$	551,146	50607
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	530,864	\$	551,146	50608
 Section 241.10. CHR STATE CHIROPRACTIC BOARD					50610
General Services Fund Group					50611
4K9 878-609 Operating Expenses	\$	607,445	\$	621,621	50612
TOTAL GSF General Services Fund	\$	607,445	\$	621,621	50613
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	607,445	\$	621,621	50614

Section 243.10. CIV OHIO CIVIL RIGHTS COMMISSION				50616
General Revenue Fund				50617
GRF 876-321 Operating Expenses	\$	7,097,134	\$ 7,097,134	50618
TOTAL GRF General Revenue Fund	\$	7,097,134	\$ 7,097,134	50619
Federal Special Revenue Fund Group				50620
334 876-601 Investigations	\$	3,965,507	\$ 4,602,185	50621
TOTAL FED Federal Special Revenue				50622
Fund Group	\$	3,965,507	\$ 4,602,185	50623
State Special Revenue Fund Group				50624
217 876-604 Operations Support	\$	60,000	\$ 60,000	50625
TOTAL SSR State Special				50626
Revenue Fund Group	\$	60,000	\$ 60,000	50627
TOTAL ALL BUDGET FUND GROUPS	\$	11,122,641	\$ 11,759,319	50628
 Section 245.10. COM DEPARTMENT OF COMMERCE				50630
General Revenue Fund				50631
GRF 800-410 Labor and Worker	\$	2,132,397	\$ 2,132,397	50632
Safety				
Total GRF General Revenue Fund	\$	2,132,397	\$ 2,132,397	50633
General Services Fund Group				50634
163 800-620 Division of	\$	4,323,037	\$ 4,413,037	50635
Administration				
163 800-637 Information Technology	\$	6,650,150	\$ 6,780,963	50636
5F1 800-635 Small Government Fire	\$	300,000	\$ 300,000	50637
Departments				
543 800-602 Unclaimed	\$	7,880,468	\$ 8,049,937	50638
Funds-Operating				
543 800-625 Unclaimed Funds-Claims	\$	70,000,000	\$ 75,000,000	50639
TOTAL GSF General Services Fund				50640
Group	\$	89,153,655	\$ 94,543,937	50641
Federal Special Revenue Fund Group				50642

348	800-622	Underground Storage Tanks	\$	195,008	\$	195,008	50643
348	800-624	Leaking Underground Storage Tanks	\$	1,850,000	\$	1,850,000	50644
TOTAL FED Federal Special Revenue							50645
Fund Group			\$	2,045,008	\$	2,045,008	50646
State Special Revenue Fund Group							50647
4B2	800-631	Real Estate Appraisal Recovery	\$	35,000	\$	35,000	50648
4H9	800-608	Cemeteries	\$	273,465	\$	273,465	50649
4X2	800-619	Financial Institutions	\$	2,474,414	\$	2,523,918	50650
5K7	800-621	Penalty Enforcement	\$	100,000	\$	100,000	50651
544	800-612	Banks	\$	6,516,507	\$	6,703,253	50652
545	800-613	Savings Institutions	\$	2,244,370	\$	2,286,616	50653
546	800-610	Fire Marshal	\$	13,104,393	\$	13,579,150	50654
546	800-639	Fire Department Grants	\$	1,647,140	\$	1,647,140	50655
546	800-640	Homeland Security Grants	\$	10,000	\$	10,000	50656
547	800-603	Real Estate Education/Research	\$	250,000	\$	250,000	50657
548	800-611	Real Estate Recovery	\$	50,000	\$	50,000	50658
549	800-614	Real Estate	\$	3,480,038	\$	3,574,171	50659
550	800-617	Securities	\$	4,312,453	\$	4,473,094	50660
552	800-604	Credit Union	\$	3,521,037	\$	3,627,390	50661
553	800-607	Consumer Finance	\$	5,800,445	\$	5,800,445	50662
556	800-615	Industrial Compliance	\$	25,033,908	\$	25,570,011	50663
6A4	800-630	Real Estate Appraiser-Operating	\$	664,006	\$	664,006	50664
653	800-629	UST Registration/Permit Fee	\$	1,512,512	\$	1,467,160	50665
TOTAL SSR State Special Revenue							50666
Fund Group			\$	71,029,688	\$	72,634,819	50667
Liquor Control Fund Group							50668

043 800-601	Merchandising	\$	440,499,979	\$	464,027,015	50669
043 800-627	Liquor Control	\$	15,980,724	\$	16,334,583	50670
	Operating					
043 800-633	Development Assistance	\$	33,678,800	\$	38,616,800	50671
	Debt Service					
043 800-636	Revitalization Debt	\$	12,620,900	\$	15,683,300	50672
	Service					
TOTAL LCF Liquor Control						50673
Fund Group		\$	502,780,403	\$	534,661,698	50674
TOTAL ALL BUDGET FUND GROUPS						50675

SMALL GOVERNMENT FIRE DEPARTMENTS 50676

Notwithstanding section 3737.17 of the Revised Code, the 50677
foregoing appropriation item 800-635, Small Government Fire 50678
Departments, may be used to provide loans to private fire 50679
departments. 50680

PENALTY ENFORCEMENT 50681

The foregoing appropriation item 800-621, Penalty 50682
Enforcement, shall be used to enforce sections 4115.03 to 4115.16 50683
of the Revised Code. 50684

UNCLAIMED FUNDS PAYMENTS 50685

The foregoing appropriation item 800-625, Unclaimed 50686
Funds-Claims, shall be used to pay claims under section 169.08 of 50687
the Revised Code. If it is determined that additional amounts are 50688
necessary, the amounts are hereby appropriated. 50689

UNCLAIMED FUNDS TRANSFERS 50690

Notwithstanding division (A) of section 169.05 of the Revised 50691
Code, prior to June 30, 2008, and upon the request of the Director 50692
of Budget and Management, the Director of Commerce shall transfer 50693
to the General Revenue Fund up to \$25,000,000 of unclaimed funds 50694
that have been reported by holders of unclaimed funds under 50695
section 169.05 of the Revised Code, irrespective of the allocation 50696

of the unclaimed funds under that section. 50697

Notwithstanding division (A) of section 169.05 of the Revised Code, prior to June 30, 2009, and upon the request of the Director of Budget and Management, the Director of Commerce shall transfer to the General Revenue Fund up to \$25,000,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. 50698
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FIRE DEPARTMENT GRANTS 50705

Of the foregoing appropriation item 800-639, Fire Department Grants, up to \$760,000 in each fiscal year shall be used to make annual grants to volunteer fire departments of up to \$10,000, or up to \$25,000 if the volunteer fire department provides service for an area affected by a natural disaster. The grant program shall be administered by the Fire Marshal under the Department of Commerce. The Fire Marshal shall adopt rules as are necessary for the administration and operation of the grant program. 50706
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Of the foregoing appropriation item 800-639, Fire Department Grants, up to \$687,140 in each fiscal year shall be used as full or partial reimbursement to local units of government and fire departments for the cost of firefighter training and equipment or gear. Under rules that the department shall adopt, a local unit of government or fire department may apply to the department for a grant to cover all documented costs that are incurred to provide firefighter training and equipment or gear. The department shall make grants within the limits of the funding provided, with priority given to fire departments that serve small villages and townships. 50714
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Of the foregoing appropriation item 800-639, Fire Department Grants, up to \$200,000 in each fiscal year shall be used to make grants to fire departments to assist in the conversion of existing 50725
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data systems to the NFIRS 5 electronic fire reporting system. 50728
Under rules that the department shall adopt, awards shall have a 50729
maximum of \$50,000 per fire department and shall be based on a 50730
point system that includes factors such as consideration of the 50731
fire department's information technology and operating budgets, 50732
population and area served, number of incidents, data conversion 50733
and implementation methods, and readiness. 50734

CASH TRANSFER TO REAL ESTATE OPERATING FUND 50735

At the request of the Director of Commerce, the Director of 50736
Budget and Management may transfer up to \$100,000 in cash from the 50737
Real Estate Recovery Fund (Fund 548) and up to \$350,000 in cash 50738
from the Real Estate Appraiser Recovery Fund (Fund 4B2) to the 50739
Real Estate Operating Fund (Fund 549) during fiscal years 50740
2008-2009. 50741

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 50742

The foregoing appropriation item 800-601, Merchandising, 50743
shall be used under section 4301.12 of the Revised Code. If it is 50744
determined that additional amounts are necessary, the amounts are 50745
hereby appropriated. 50746

DEVELOPMENT ASSISTANCE DEBT SERVICE 50747

The foregoing appropriation item 800-633, Development 50748
Assistance Debt Service, shall be used to pay debt service and 50749
related financing costs at the times they are required to be made 50750
during the period from July 1, 2007, to June 30, 2009, for bond 50751
service charges on obligations issued under Chapter 166. of the 50752
Revised Code. If it is determined that additional appropriations 50753
are necessary for this purpose, such amounts are hereby 50754
appropriated, subject to the limitations set forth in section 50755
166.11 of the Revised Code. An appropriation for this purpose is 50756
not required, but is made in this form and in this act for record 50757
purposes only. 50758

REVITALIZATION DEBT SERVICE 50759

The foregoing appropriation item 800-636, Revitalization Debt 50760
Service, shall be used to pay debt service and related financing 50761
costs under sections 151.01 and 151.40 of the Revised Code during 50762
the period from July 1, 2007, to June 30, 2009. If it is 50763
determined that additional appropriations are necessary for this 50764
purpose, such amounts are hereby appropriated. The General 50765
Assembly acknowledges the priority of the pledge of a portion of 50766
receipts from that source to obligations issued and to be issued 50767
under Chapter 166. of the Revised Code. 50768

ADMINISTRATIVE ASSESSMENTS 50769

Notwithstanding any other provision of law to the contrary, 50770
Fund 163, Division of Administration, is entitled to receive 50771
assessments from all operating funds of the department in 50772
accordance with procedures prescribed by the Director of Commerce 50773
and approved by the Director of Budget and Management. 50774

Section 247.10. OCC OFFICE OF CONSUMERS' COUNSEL 50775

General Services Fund Group 50776

5F5 053-601 Operating Expenses \$ 8,498,070 \$ 8,498,070 50777

TOTAL GSF General Services Fund \$ 8,498,070 \$ 8,498,070 50778

Group

TOTAL ALL BUDGET FUND GROUPS \$ 8,498,070 \$ 8,498,070 50779

Section 249.10. CEB CONTROLLING BOARD 50781

General Revenue Fund 50782

GRF 911-401 Emergency \$ 4,000,000 \$ 4,000,000 50783

Purposes/Contingencies

GRF 911-404 Mandate Assistance \$ 650,000 \$ 650,000 50784

GRF 911-441 Ballot Advertising \$ 300,000 \$ 300,000 50785

Costs

TOTAL GRF General Revenue Fund	\$	4,950 000	\$	4,950,000	50786
TOTAL ALL BUDGET FUND GROUPS	\$	4,950,000	\$	4,950,000	50787

FEDERAL SHARE 50788

In transferring appropriations to or from appropriation items 50789
that have federal shares identified in this act, the Controlling 50790
Board shall add or subtract corresponding amounts of federal 50791
matching funds at the percentages indicated by the state and 50792
federal division of the appropriations in this act. Such changes 50793
are hereby appropriated. 50794

DISASTER ASSISTANCE 50795

Pursuant to requests submitted by the Department of Public 50796
Safety, the Controlling Board may approve transfers from 50797
appropriation item 911-401, Emergency Purposes/Contingencies, to 50798
Department of Public Safety appropriation items to provide funding 50799
for assistance to political subdivisions and individuals made 50800
necessary by natural disasters or emergencies. Such transfers may 50801
be requested and approved prior to or following the occurrence of 50802
any specific natural disasters or emergencies in order to 50803
facilitate the provision of timely assistance. 50804

DISASTER SERVICES 50805

Pursuant to requests submitted by the Department of Public 50806
Safety, the Controlling Board may approve transfers from the 50807
Disaster Services Fund (5E2) to a Department of Public Safety fund 50808
and appropriation item to provide for assistance to political 50809
subdivisions made necessary by natural disasters or emergencies. 50810
These transfers may be requested and approved prior to the 50811
occurrence of any specific natural disasters or emergencies in 50812
order to facilitate the provision of timely assistance. The 50813
Emergency Management Agency of the Department of Public Safety 50814
shall use the funding to fund the State Disaster Relief Program 50815
for disasters that have been declared by the Governor, and the 50816

State Individual Assistance Program for disasters that have been 50817
declared by the Governor and the federal Small Business 50818
Administration. The Ohio Emergency Management Agency shall publish 50819
and make available application packets outlining procedures for 50820
the State Disaster Relief Program and the State Individual 50821
Assistance Program. 50822

The Disaster Services Fund (5E2) shall be used by the 50823
Controlling Board, pursuant to requests submitted by state 50824
agencies, to transfer cash and appropriation authority to any fund 50825
and appropriation item for the payment of state agency disaster 50826
relief program expenses for disasters declared by the Governor, if 50827
the Director of Budget and Management determines that sufficient 50828
funds exist. 50829

The unencumbered balance of the Disaster Services Fund (5E2) 50830
at the end of fiscal year 2008 is transferred to fiscal year 2009 50831
for use for the same purposes as in fiscal year 2009. 50832

SOUTHERN OHIO CORRECTIONAL FACILITY COST 50833

The Division of Criminal Justice Services in the Department 50834
of Public Safety and the Public Defender Commission may each 50835
request, upon approval of the Director of Budget and Management, 50836
additional funds from appropriation item 911-401, Emergency 50837
Purposes/Contingencies, for costs related to the disturbance that 50838
occurred on April 11, 1993, at the Southern Ohio Correctional 50839
Facility in Lucasville, Ohio. 50840

MANDATE ASSISTANCE 50841

(A) The foregoing appropriation item 911-404, Mandate 50842
Assistance, shall be used to provide financial assistance to local 50843
units of government and school districts for the cost of the 50844
following two unfunded state mandates: 50845

(1) The cost to county prosecutors for prosecuting certain 50846
felonies that occur on the grounds of state institutions operated 50847

by the Department of Rehabilitation and Correction and the 50848
Department of Youth Services; 50849

(2) The cost to school districts of in-service training for 50850
child abuse detection. 50851

(B) The Division of Criminal Justice Services in the 50852
Department of Public Safety and the Department of Education may 50853
prepare and submit to the Controlling Board one or more requests 50854
to transfer appropriations from appropriation item 911-404, 50855
Mandate Assistance. The state agencies charged with this 50856
administrative responsibility are listed below, as well as the 50857
estimated annual amounts that may be used for each program of 50858
state financial assistance. 50859

	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Division of Criminal Justice Services	\$150,000	50862 50863
Child Abuse Detection Training Costs	Department of Education	\$500,000	50864

(C) Subject to the total amount appropriated in each fiscal 50865
year for appropriation item 911-404, Mandate Assistance, the 50866
Division of Criminal Justice Services in the Department of Public 50867
Safety and the Department of Education may request from the 50868
Controlling Board that amounts smaller or larger than these 50869
estimated annual amounts be transferred to each program. 50870

(D) In addition to making the initial transfers requested by 50871
the Division of Criminal Justice Services in the Department of 50872
Public Safety and the Department of Education, the Controlling 50873
Board may transfer appropriations received by a state agency under 50874
this section back to appropriation item 911-404, Mandate 50875
Assistance, or to the other program of state financial assistance 50876
identified under this section. 50877

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) PROSECUTION COSTS

(a) Appropriations may be transferred to the Division of Criminal Justice Services in the Department of Public Safety to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services.

(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules that the Division of Criminal Justice Services in the Department of Public Safety shall adopt, apply to the Division of Criminal Justice Services for a grant to cover all documented costs that are incurred by the county prosecutor's office.

(c) Twice each year, the Division of Criminal Justice

Services in the Department of Public Safety shall designate 50909
counties to receive grants from those counties that have submitted 50910
one or more applications in compliance with the rules that have 50911
been adopted by the Division of Criminal Justice Services for the 50912
receipt of such grants. In each year's first round of grant 50913
awards, if sufficient appropriations have been made, up to a total 50914
of \$100,000 may be awarded. In each year's second round of grant 50915
awards, the remaining appropriations available for this purpose 50916
may be awarded. 50917

(d) If for a given round of grants there are insufficient 50918
appropriations to make grant awards to all the eligible counties, 50919
the first priority shall be given to counties with cases involving 50920
aggravated murder and murder; second priority shall be given to 50921
counties with cases involving a felony of the first degree; and 50922
third priority shall be given to counties with cases involving a 50923
felony of the second degree. Within these priorities, the grant 50924
awards shall be based on the order in which the applications were 50925
received, except that applications for cases involving a felony of 50926
the first or second degree shall not be considered in more than 50927
two consecutive rounds of grant awards. 50928

(2) CHILD ABUSE DETECTION TRAINING COSTS 50929

Appropriations may be transferred to the Department of 50930
Education for disbursement to local school districts as full or 50931
partial reimbursement for the cost of providing in-service 50932
training for child abuse detection. In accordance with rules that 50933
the department shall adopt, a local school district may apply to 50934
the department for a grant to cover all documented costs that are 50935
incurred to provide in-service training for child abuse detection. 50936
The department shall make grants within the limits of the funding 50937
provided. 50938

(G) Any moneys allocated within appropriation item 911-404, 50939
Mandate Assistance, not fully utilized may, upon application of 50940

the Ohio Public Defender Commission, and with the approval of the 50941
Controlling Board, be disbursed to boards of county commissioners 50942
to provide additional reimbursement for the costs incurred by 50943
counties in providing defense to indigent defendants pursuant to 50944
Chapter 120. of the Revised Code. Application for the unutilized 50945
funds shall be made by the Ohio Public Defender Commission at the 50946
first June meeting of the Controlling Board. 50947

The amount to be disbursed to each county shall be allocated 50948
proportionately on the basis of the total amount of reimbursement 50949
paid to each county as a percentage of the amount of reimbursement 50950
paid to all of the counties during the most recent state fiscal 50951
year for which data is available and as calculated by the Ohio 50952
Public Defender Commission. 50953

BALLOT ADVERTISING COSTS 50954

Pursuant to requests submitted by the Ohio Ballot Board, the 50955
Controlling Board shall approve transfers from the foregoing 50956
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 50957
Ballot Board appropriation item in order to reimburse county 50958
boards of elections for the cost of public notices associated with 50959
statewide ballot initiatives. 50960

Section 251.10. COS STATE BOARD OF COSMETOLOGY 50961

General Services Fund Group 50962

4K9 879-609 Operating Expenses \$ 3,533,679 \$ 3,533,679 50963

TOTAL GSF General Services Fund 50964

Group \$ 3,533,679 \$ 3,533,679 50965

TOTAL ALL BUDGET FUND GROUPS \$ 3,533,679 \$ 3,533,679 50966

Section 253.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 50968

AND FAMILY THERAPIST BOARD 50969

General Services Fund Group 50970

4K9 899-609 Operating Expenses	\$	1,124,267	\$	1,179,774	50971
TOTAL GSF General Services Fund					50972
Group	\$	1,124,267	\$	1,179,774	50973
TOTAL ALL BUDGET FUND GROUPS	\$	1,124,267	\$	1,179,774	50974

Section 255.10. CLA COURT OF CLAIMS 50976

General Revenue Fund					50977
GRF 015-321 Operating Expenses	\$	2,830,489	\$	2,912,000	50978
TOTAL GRF General Revenue Fund	\$	2,830,489	\$	2,912,000	50979
State Special Revenue Fund Group					50980
5K2 015-603 CLA Victims of Crime	\$	1,582,684	\$	1,582,684	50981
TOTAL SSR State Special Revenue					50982
Fund Group	\$	1,582,684	\$	1,582,684	50983
TOTAL ALL BUDGET FUND GROUPS	\$	4,413,173	\$	4,494,684	50984

Section 257.10. AFC OHIO CULTURAL FACILITIES COMMISSION 50986

General Revenue Fund					50987
GRF 371-321 Operating Expenses	\$	176,136	\$	176,136	50988
GRF 371-401 Lease Rental Payments	\$	36,604,600	\$	37,455,500	50989
TOTAL GRF General Revenue Fund	\$	36,780,736	\$	37,631,636	50990
State Special Revenue Fund Group					50991
4T8 371-601 Riffe Theatre	\$	81,000	\$	81,000	50992
Equipment Maintenance					
4T8 371-603 Project Administration	\$	983,295	\$	983,295	50993
Services					
TOTAL SSR State Special Revenue	\$	1,064,295	\$	1,064,295	50994
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	37,845,031	\$	38,695,931	50995

LEASE RENTAL PAYMENTS 50996

The foregoing appropriation item 371-401, Lease Rental 50997
 Payments, shall be used to meet all payments from the Ohio 50998
 Cultural Facilities Commissions to the Treasurer of State during 50999

the period from July 1, 2007, to June 30, 2009, under the primary 51000
leases and agreements for those arts and sports facilities made 51001
under Chapters 152. and 154. of the Revised Code. This 51002
appropriation is the source of funds pledged for bond service 51003
charges on related obligations issued pursuant to Chapters 152. 51004
and 154. of the Revised Code. 51005

OPERATING EXPENSES 51006

The foregoing appropriation item 371-321, Operating Expenses, 51007
shall be used by the Ohio Cultural Facilities Commission to carry 51008
out its responsibilities under this section and Chapter 3383. of 51009
the Revised Code. 51010

By July 10, 2007, or as soon as possible thereafter, the 51011
Director of Budget and Management shall determine the amount of 51012
cash from interest earnings to be transferred from the Cultural 51013
and Sports Facilities Building Fund (Fund 030) to the Cultural 51014
Facilities Commission Administration Fund (Fund 4T8). 51015

By July 10, 2008, or as soon as possible thereafter, the 51016
Director of Budget and Management shall determine the amount of 51017
cash from interest earnings to be transferred from the Cultural 51018
and Sports Facilities Building Fund (Fund 030) to the Cultural 51019
Facilities Commission Administration Fund (Fund 4T8). 51020

As soon as possible after each bond issuance made on behalf 51021
of the Cultural Facilities Commission, the Director of Budget and 51022
Management shall determine the amount of cash from any premium 51023
paid on each issuance that is available to be transferred after 51024
all issuance costs have been paid from the Cultural and Sports 51025
Facilities Building Fund (Fund 030) to the Cultural Facilities 51026
Commission Administration Fund (Fund 4T8). 51027

Section 259.10. DEN STATE DENTAL BOARD 51028

General Services Fund Group 51029

4K9 880-609 Operating Expenses	\$	1,437,392	\$	1,528,749	51030
TOTAL GSF General Services Fund					51031
Group	\$	1,437,392	\$	1,528,749	51032
TOTAL ALL BUDGET FUND GROUPS	\$	1,437,392	\$	1,528,749	51033

Section 261.10. BDP BOARD OF DEPOSIT 51035

General Services Fund Group					51036
4M2 974-601 Board of Deposit	\$	1,676,000	\$	1,676,000	51037
TOTAL GSF General Services Fund					51038
Group	\$	1,676,000	\$	1,676,000	51039
TOTAL ALL BUDGET FUND GROUPS	\$	1,676,000	\$	1,676,000	51040

BOARD OF DEPOSIT EXPENSE FUND 51041

Upon receiving certification of expenses from the Treasurer 51042
of State, the Director of Budget and Management shall transfer 51043
cash from the Investment Earnings Redistribution Fund (Fund 608) 51044
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 51045
shall be used to pay for banking charges and fees required for the 51046
operation of the State of Ohio Regular Account. 51047

Section 263.10. DEV DEPARTMENT OF DEVELOPMENT 51048

General Revenue Fund					51049
GRF 195-401 Thomas Edison Program	\$	18,578,483	\$	18,578,483	51050
GRF 195-404 Small Business	\$	1,792,944	\$	1,792,944	51051
Development					
GRF 195-405 Minority Business	\$	1,780,000	\$	1,780,000	51052
Development Division					
GRF 195-407 Travel and Tourism	\$	7,612,845	\$	7,612,845	51053
GRF 195-412 Rapid Outreach Grants	\$	16,102,500	\$	16,102,500	51054
GRF 195-415 Economic Development	\$	7,306,824	\$	7,286,824	51055
Division and Regional					
Offices					
GRF 195-416 Governor's Office of	\$	4,746,043	\$	4,746,043	51056

		Appalachia					
GRF	195-422	Third Frontier Action Fund	\$	16,790,000	\$	16,790,000	51057
GRF	195-426	Clean Ohio Implementation	\$	309,000	\$	309,000	51058
GRF	195-432	International Trade	\$	4,650,501	\$	4,650,501	51059
GRF	195-434	Investment in Training Grants	\$	12,594,325	\$	12,594,325	51060
GRF	195-436	Labor/Management Cooperation	\$	836,225	\$	836,225	51061
GRF	195-497	CDBG Operating Match	\$	1,072,184	\$	1,072,184	51062
GRF	195-498	State Match Energy	\$	96,820	\$	96,820	51063
GRF	195-501	Appalachian Local Development Districts	\$	391,482	\$	391,482	51064
GRF	195-502	Appalachian Regional Commission Dues	\$	254,208	\$	254,208	51065
GRF	195-507	Travel and Tourism Grants	\$	850,000	\$	850,000	51066
GRF	195-520	Ohio Main Street Program	\$	250,000	\$	250,000	51067
GRF	195-905	Third Frontier Research & Development General Obligation Debt Service	\$	14,349,500	\$	24,523,400	51068
GRF	195-912	Job Ready Site Development General Obligation Debt Service	\$	4,359,400	\$	8,232,500	51069
TOTAL GRF		General Revenue Fund	\$	114,723,284	\$	128,750,284	51070
		General Services Fund Group					51071
135	195-684	Supportive Services	\$	11,699,404	\$	11,321,444	51072
5AD	195-667	Investment in Training Expansion	\$	2,000,000	\$	0	51073

5AD	195-668	Workforce Guarantee Program	\$	1,000,000	\$	0	51074
5AD	195-677	Economic Development Contingency	\$	9,275,000	\$	28,675,000	51075
5W5	195-690	Travel and Tourism Cooperative Projects	\$	350,000	\$	350,000	51076
5W6	195-691	International Trade Cooperative Projects	\$	300,000	\$	300,000	51077
685	195-636	Direct Cost Recovery Expenditures	\$	800,000	\$	800,000	51078
TOTAL GSF General Services Fund							51079
Group			\$	25,424,404	\$	41,446,444	51080
Federal Special Revenue Fund Group							51081
3AE	195-643	Workforce Development Initiatives	\$	5,839,900	\$	5,860,000	51082
3BJ	195-685	TANF Heating Assistance	\$	45,000,000	\$	15,000,000	51083
3K8	195-613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	51084
3K9	195-611	Home Energy Assistance Block Grant	\$	110,000,000	\$	110,000,000	51085
3K9	195-614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	51086
3L0	195-612	Community Services Block Grant	\$	25,235,000	\$	25,235,000	51087
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	51088
308	195-602	Appalachian Regional Commission	\$	475,000	\$	475,000	51089
308	195-603	Housing and Urban Development	\$	6,000,000	\$	6,000,000	51090
308	195-605	Federal Projects	\$	27,000,000	\$	27,000,000	51091
308	195-609	Small Business Administration	\$	4,296,381	\$	4,396,381	51092
308	195-618	Energy Federal Grants	\$	3,400,000	\$	3,400,000	51093

335	195-610	Energy Conservation and Emerging Technology	\$	2,200,000	\$	2,200,000	51094
TOTAL FED Federal Special Revenue							51095
Fund Group			\$	356,446,281	\$	326,566,381	51096
State Special Revenue Fund Group							51097
4F2	195-639	State Special Projects	\$	518,393	\$	518,393	51098
4F2	195-676	Marketing Initiatives	\$	5,000,000	\$	1,000,000	51099
4S0	195-630	Tax Incentive Programs	\$	650,800	\$	650,800	51100
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	51101
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	51102
450	195-624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	51103
451	195-625	Economic Development Financing Operating	\$	2,483,311	\$	2,483,311	51104
5AR	195-674	Industrial Site Improvements	\$	4,500,000	\$	4,500,000	51105
5CG	195-679	Alternative Fuel Transportation	\$	1,500,000	\$	1,000,000	51106
5DU	195-689	Energy Projects	\$	840,000	\$	840,000	51107
5M4	195-659	Low Income Energy Assistance	\$	245,000,000	\$	245,000,000	51108
5M5	195-660	Advanced Energy Programs	\$	17,000,000	\$	17,000,000	51109
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$	25,000	51110
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	51111
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	51112

646	195-638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	51113
TOTAL SSR State Special Revenue							51114
Fund Group			\$	333,891,556	\$	329,391,556	51115
Facilities Establishment Fund Group							51116
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	51117
010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	51118
037	195-615	Facilities Establishment	\$	110,000,000	\$	110,000,000	51119
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	51120
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000	51121
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	51122
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	51123
TOTAL 037 Facilities Establishment Fund Group							51124
			\$	224,475,000	\$	224,475,000	51125
Clean Ohio Revitalization Fund							51126
003	195-663	Clean Ohio Operating	\$	625,000	\$	550,000	51127
TOTAL 003 Clean Ohio Revitalization Fund			\$	625,000	\$	550,000	51128
Third Frontier Research & Development Fund Group							51129
011	195-686	Third Frontier Operating	\$	1,932,056	\$	1,932,056	51130
011	195-687	Third Frontier Research & Development Projects	\$	94,000,000	\$	72,000,000	51131
014	195-692	Research & Development	\$	28,000,000	\$	28,000,000	51132

Taxable Bond Projects

TOTAL 011 Third Frontier Research & Development Fund Group	\$ 123,932,056	\$ 101,932,056	51133
Job Ready Site Development Fund Group			51134
012 195-688 Job Ready Site	\$ 1,246,155	\$ 1,246,155	51135
Operating			
TOTAL 012 Job Ready Site Development Fund Group	\$ 1,246,155	\$ 1,246,155	51136
TOTAL ALL BUDGET FUND GROUPS	\$ 1,180,763,736	\$ 1,154,357,876	51137

Section 263.10.10. THOMAS EDISON PROGRAM 51139

The foregoing appropriation item 195-401, Thomas Edison Program, shall be used for the purposes of sections 122.28 to 122.38 of the Revised Code in order to provide funds for cooperative public and private efforts in technological innovation to promote the development and transfer of technology by and to Ohio businesses that will lead to the creation of jobs, and to provide for the administration of the program by the Technology Division. 51140
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Of the foregoing appropriation item 195-401, Thomas Edison Program, not more than \$2,000,000 in fiscal year 2008 and \$2,100,000 in fiscal year 2009 shall be used for operating expenditures in administering the programs of the Technology Division. 51148
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Section 263.10.20. SMALL BUSINESS DEVELOPMENT 51153

The foregoing appropriation item 195-404, Small Business Development, shall be used to ensure that the unique needs and concerns of small businesses are addressed. 51154
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The foregoing appropriation item 195-404, Small Business Development, may be used to provide grants to local organizations to support the operation of Small Business Development Centers and 51157
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other local economic development activity promoting small 51160
business, including the 1st Stop Business Connection, and for the 51161
cost of administering the small business development center 51162
program. The centers shall provide technical, financial, and 51163
management consultation for small business and shall facilitate 51164
access to state and federal programs. These funds shall be used as 51165
matching funds for grants from the United States Small Business 51166
Administration and other federal agencies, pursuant to Public Law 51167
No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and 51168
regulations and policy guidelines for the programs under this law. 51169

MINORITY BUSINESS DEVELOPMENT DIVISION 51170

Of the foregoing appropriation item 195-405, Minority 51171
Business Development Division, up to \$1,060,000 but not less than 51172
\$954,000 in each fiscal year shall be used to fund minority 51173
contractors and business assistance organizations. The Minority 51174
Business Development Division shall determine which cities need 51175
minority contractors and business assistance organizations by 51176
utilizing United States Census Bureau data and zip codes to locate 51177
the highest concentrations of minority businesses. The Minority 51178
Business Development Division also shall determine the numbers of 51179
minority contractors and business assistance organizations 51180
necessary and the amount of funding to be provided each. In 51181
addition, the Minority Business Development Division shall 51182
continue to plan and implement business conferences. 51183

Section 263.10.30. RAPID OUTREACH GRANTS 51184

The foregoing appropriation item 195-412, Rapid Outreach 51185
Grants, shall be used as an incentive for attracting and retaining 51186
business opportunities for the state. Any such business 51187
opportunity, whether new, expanding, or relocating in Ohio, is 51188
eligible for funding. The project must create or retain a 51189
significant number of jobs for Ohioans. Grant awards may be 51190

considered only when (1) the project's viability hinges on an 51191
award of funds from appropriation item 195-412, Rapid Outreach 51192
Grants; (2) all other public or private sources of financing have 51193
been considered; or (3) the funds act as a catalyst for the 51194
infusion into the project of other financing sources. 51195

The department's primary goal shall be to award funds to 51196
political subdivisions of the state for off-site infrastructure 51197
improvements. In order to meet the particular needs of economic 51198
development in a region, the department may elect to award funds 51199
directly to a business for on-site infrastructure improvements. 51200
"Infrastructure improvements" mean improvements to water system 51201
facilities, sewer and sewage treatment facilities, electric or gas 51202
service facilities, fiber optic facilities, rail facilities, site 51203
preparation, and parking facilities. The Director of Development 51204
may recommend the funds be used in an alternative manner when 51205
considered appropriate to meet an extraordinary economic 51206
development opportunity or need. 51207

The foregoing appropriation item 195-412, Rapid Outreach 51208
Grants, may be expended only after the submission of a request to 51209
the Controlling Board by the Department of Development outlining 51210
the planned use of the funds, and the subsequent approval of the 51211
request by the Controlling Board. 51212

The foregoing appropriation item 195-412, Rapid Outreach 51213
Grants, may be used for, but is not limited to, construction, 51214
rehabilitation, and acquisition projects for rail freight 51215
assistance as requested by the Department of Transportation. The 51216
Director of Transportation shall submit the proposed projects to 51217
the Director of Development for an evaluation of potential 51218
economic benefit. 51219

Section 263.10.40. ECONOMIC DEVELOPMENT DIVISION AND REGIONAL 51220
OFFICES 51221

The foregoing appropriation item 195-415, Economic Development Division and Regional Offices, shall be used for the operating expenses of the Economic Development Division and the regional economic development offices and for grants for cooperative economic development ventures.

Section 263.10.50. GOVERNOR'S OFFICE OF APPALACHIA

The foregoing appropriation item 195-416, Governor's Office of Appalachia, shall be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, and to provide financial assistance to projects in Ohio's Appalacian counties.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, up to \$250,000 each fiscal year shall be used to match federal funds from the Appalachian Regional Commission to provide job training to impact the Appalachian Region.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, up to \$4,246,043 in each fiscal year shall be used in conjunction with other federal and state funds to provide financial assistance to projects in Ohio's Appalachian counties in order to further the goals of the Appalachian Regional Commission. The projects and project sponsors shall meet Appalachian Regional Commission eligibility requirements. Grants shall be administered by the Department of Development.

Section 263.10.60. THIRD FRONTIER ACTION FUND

The foregoing appropriation item 195-422, Third Frontier Action Fund, shall be used to make grants under sections 184.01 and 184.02 of the Revised Code. Prior to the release of funds from appropriation item 195-422, Third Frontier Action Fund, each grant award shall be recommended for funding by the Third Frontier

Commission and obtain approval from the Controlling Board. 51252

Of the foregoing appropriation item 195-422, Third Frontier 51253
Action Fund, not more than six per cent in each fiscal year shall 51254
be used for operating expenditures in administering the program. 51255

In addition to the six per cent for operating expenditures, 51256
an additional administrative amount, not to exceed \$1,500,000 51257
within the biennium, shall be available for proposal evaluation, 51258
research and analyses, and marketing efforts considered necessary 51259
to receive and disseminate information about science and 51260
technology-related opportunities in the state. 51261

SCIENCE AND TECHNOLOGY COLLABORATION 51262

The Department of Development shall work in close 51263
collaboration with the Board of Regents, the Air Quality 51264
Development Authority, and the Third Frontier Commission in 51265
relation to appropriation items and programs referred to as 51266
Alignment Programs in the following paragraph, and other 51267
technology-related appropriations and programs in the Department 51268
of Development, Air Quality Development Authority, and the Board 51269
of Regents as these agencies may designate, to ensure 51270
implementation of a coherent state strategy with respect to 51271
science and technology. 51272

"Alignment Programs" means appropriation items 195-401, 51273
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 51274
Third Frontier Action Fund; 898-604, Coal Research and Development 51275
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 51276
Institute of Technology; 235-510, Ohio Supercomputer Center; 51277
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 51278
235-535, Ohio Agricultural Research and Development Center; 51279
235-553, Dayton Area Graduate Studies Institute; 235-554, 51280
Priorities in Collaborative Graduate Education; 235-556, Ohio 51281
Academic Resources Network; 195-435, Biomedical Research and 51282

Technology Transfer Trust; 195-687, Third Frontier Research & 51283
Development Projects; CAP-068, Third Frontier Project; and 51284
195-692, Research & Development Taxable Bond Projects. 51285

Consistent with the recommendations of the Governor's 51286
Commission on Higher Education and the Economy, Alignment Programs 51287
shall be managed and administered in accordance with the following 51288
objectives: (1) to build on existing competitive research 51289
strengths; (2) to encourage new and emerging discoveries and 51290
commercialization of products and ideas that will benefit the Ohio 51291
economy; and (3) to assure improved collaboration among Alignment 51292
Programs with programs administered by the Third Frontier 51293
Commission and with other state programs that are intended to 51294
improve economic growth and job creation. As directed by the Third 51295
Frontier Commission, Alignment Program managers shall report to 51296
the Commission or the Third Frontier Advisory Board regarding the 51297
contributions of their programs to achieving these objectives. 51298

Each Alignment Program shall be reviewed annually by the 51299
Third Frontier Commission with respect to its development of 51300
complementary relationships within a combined state science and 51301
technology investment portfolio, and with respect to its overall 51302
contribution to the state's science and technology strategy, 51303
including the adoption of appropriately consistent criteria for: 51304
(1) the scientific merit of activities supported by the program; 51305
(2) the relevance of the program's activities to commercial 51306
opportunities in the private sector; (3) the private sector's 51307
involvement in a process that continually evaluates commercial 51308
opportunities to use the work supported by the program; and (4) 51309
the ability of the program and recipients of grant funding from 51310
the program to engage in activities that are collaborative, 51311
complementary, and efficient with respect to the expenditures of 51312
state funds. Each Alignment Program shall provide an annual report 51313
to the Third Frontier Commission that discusses existing, planned, 51314

or possible collaborations between programs and between recipients 51315
of grant funding related to technology, development, 51316
commercialization, and the support of Ohio's economic development. 51317
The annual review conducted by the Third Frontier Commission shall 51318
be a comprehensive review of the entire state science and 51319
technology program portfolio rather than a review of individual 51320
programs. 51321

Applicants for Third Frontier and Alignment Programs funding 51322
shall identify their requirements for high-performance computing 51323
facilities and services, including both hardware and software, in 51324
all proposals. If an applicant's requirements exceed approximately 51325
\$100,000 for a proposal, the Ohio Supercomputer Center shall 51326
convene a panel of experts. The panel shall review the proposal to 51327
determine whether the proposal's requirements can be met through 51328
Ohio Supercomputer Center facilities or through other means and 51329
report such information to the Third Frontier Commission. 51330

To ensure that the state receives the maximum benefit from 51331
its investment in the Third Frontier Project and the Third 51332
Frontier Network, organizations receiving Third Frontier awards 51333
and Alignment Programs awards shall, as appropriate, be expected 51334
to have a connection to the Third Frontier Network that enables 51335
them and their collaborators to achieve award objectives through 51336
the Third Frontier Network. 51337

Section 263.10.70. INTERNATIONAL TRADE 51338

The foregoing appropriation item 195-432, International 51339
Trade, shall be used to operate and to maintain Ohio's 51340
out-of-state trade offices. 51341

The Director of Development may enter into contracts with 51342
foreign nationals to staff foreign offices. The contracts may be 51343
paid in local currency or United States currency and shall be 51344
exempt from section 127.16 of the Revised Code. The director also 51345

may establish foreign currency accounts under section 122.05 of 51346
the Revised Code for the payment of expenses related to the 51347
operation and maintenance of the foreign trade offices. 51348

The foregoing appropriation item 195-432, International 51349
Trade, shall be used to fund the International Trade Division and 51350
to assist Ohio manufacturers and agricultural producers in 51351
exporting to foreign countries in conjunction with the Department 51352
of Agriculture. 51353

Of the foregoing appropriation item 195-432, International 51354
Trade, up to \$35,000 may be used to purchase gifts for 51355
representatives of foreign governments or dignitaries of foreign 51356
countries. 51357

Section 263.10.80. OHIO INVESTMENT IN TRAINING PROGRAM 51358

The foregoing appropriation items 195-434, Investment in 51359
Training Grants, and 195-667, Investment in Training Expansion, 51360
shall be used to promote training through grants for the 51361
reimbursement of eligible training expenses. 51362

Section 263.10.90. CDBG OPERATING MATCH 51363

The foregoing appropriation item 195-497, CDBG Operating 51364
Match, shall be used to provide matching funds as requested by the 51365
United States Department of Housing and Urban Development to 51366
administer the federally funded Community Development Block Grant 51367
(CDBG) program. 51368

STATE OPERATING MATCH 51369

The foregoing appropriation item 195-498, State Match Energy, 51370
shall be used to provide matching funds as required by the United 51371
States Department of Energy to administer the federally funded 51372
State Energy Plan. 51373

Section 263.20.10. TRAVEL AND TOURISM GRANTS	51374
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.	51375 51376 51377
Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$250,000 in each fiscal year shall be used for the Freedom Center.	51378 51379 51380
Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$400,000 in each fiscal year shall be used for the State Film Bureau.	51381 51382 51383
Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$50,000 in each fiscal year shall be used for the Cleveland Film Bureau.	51384 51385 51386
Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$50,000 in each fiscal year shall be used for the Cincinnati Film Bureau.	51387 51388 51389
Of the foregoing appropriation item 195-507, Travel and Tourism Grants, up to \$500,000 in each fiscal year shall be used for grants to The International Center for the Preservation of Wild Animals.	51390 51391 51392 51393
Section 263.20.20. THIRD FRONTIER RESEARCH & DEVELOPMENT	51394
GENERAL OBLIGATION DEBT SERVICE	51395
The foregoing appropriation item 195-905, Third Frontier Research & Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2007, to June 30, 2009, on obligations issued for research and development purposes under sections 151.01 and 151.10 of the Revised Code.	51396 51397 51398 51399 51400 51401
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	51402

The foregoing appropriation item 195-912, Job Ready Site Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2007, to June 30, 2009, on obligations issued for job ready site development purposes under sections 151.01 and 151.11 of the Revised Code.

Section 263.20.30. SUPPORTIVE SERVICES

The Director of Development may assess divisions of the department for the cost of central service operations. An assessment shall be based on a plan submitted to and approved by the Office of Budget and Management by August 1, 2007, and shall contain the characteristics of administrative ease and uniform application.

A division's payments shall be credited to the Supportive Services Fund (Fund 135) using an intrastate transfer voucher.

WORKFORCE GUARANTEE PROGRAM

The foregoing appropriation item 195-668, Workforce Guarantee Program, shall be used for the Workforce Guarantee Program.

Benefited employers must create at least 20 high-paying, full-time jobs over a one-year period and must demonstrate prior to the commitment of state funds that the availability of those skilled workers is a major factor in the employer's decision to locate or expand in Ohio. Customized training activities are eligible for funding through the Workforce Guarantee Program.

The Director of Development, under Chapter 119. of the Revised Code, shall adopt, and may amend or rescind, rules the Director finds necessary for the implementation and successful operation of the Workforce Guarantee Program.

ECONOMIC DEVELOPMENT CONTINGENCY

Of the foregoing appropriation item 195-677, Economic

Development Contingency, up to \$19,400,000 shall be used by the 51433
Third Frontier Commission in fiscal year 2009 for biomedical 51434
research and technology transfer purposes under sections 184.01 to 51435
184.03 of the Revised Code. 51436

DIRECT COST RECOVERY EXPENDITURES 51437

The foregoing appropriation item 195-636, Direct Cost 51438
Recovery Expenditures, shall be used for conference and 51439
subscription fees and other reimbursable costs. Revenues to the 51440
General Reimbursement Fund (Fund 685) shall consist of fees and 51441
other moneys charged for conferences, subscriptions, and other 51442
administrative costs that are not central service costs. 51443

Section 263.20.40. HEAP WEATHERIZATION 51444

Fifteen per cent of the federal funds received by the state 51445
for the Home Energy Assistance Block Grant shall be deposited in 51446
appropriation item 195-614, HEAP Weatherization (Fund 3K9), and 51447
shall be used to provide home weatherization services in the 51448
state. 51449

STATE SPECIAL PROJECTS 51450

The foregoing fund, Fund 4F2, State Special Projects Fund, 51451
shall be used for the deposit of private-sector funds from utility 51452
companies, for the deposit of fees assessed under division (A)(14) 51453
of section 122.011 of the Revised Code, and for the deposit of 51454
other miscellaneous state funds. Private-sector moneys shall be 51455
used to (1) pay the expenses of verifying the income-eligibility 51456
of HEAP applicants, (2) market economic development opportunities 51457
in the state, and (3) leverage additional federal funds. Fees 51458
assessed under division (A)(14) of section 122.011 of the Revised 51459
Code shall be used to support the Brownfield Revolving Loan 51460
Program. State funds shall be used to match federal housing grants 51461
for the homeless and to market economic development opportunities 51462

in the state. 51463

Section 263.20.50. TAX INCENTIVE PROGRAMS OPERATING 51464

On July 1, 2007, or as soon thereafter as possible, the 51465
Director of Budget and Management shall transfer the cash balance 51466
in the Job Creation Tax Credit Operating Fund (Fund 4S1) to the 51467
Tax Incentive Programs Operating Fund (Fund 4S0). The Director 51468
shall cancel any existing encumbrances against appropriation item 51469
195-634, Job Creation Tax Credit Operating (Fund 4S1), and 51470
re-establish them against appropriation item 195-630, Tax 51471
Incentive Programs Operating (Fund 4S0). The amounts of the 51472
re-established encumbrances are hereby appropriated. 51473

Section 263.20.60. MINORITY BUSINESS ENTERPRISE LOAN 51474

All repayments from the Minority Development Financing 51475
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 51476
Program shall be deposited in the State Treasury to the credit of 51477
the Minority Business Enterprise Loan Fund (Fund 4W1). 51478

All operating costs of administering the Minority Business 51479
Enterprise Loan Fund shall be paid from the Minority Business 51480
Enterprise Loan Fund (Fund 4WI). 51481

MINORITY BUSINESS BONDING FUND 51482

Notwithstanding Chapters 122., 169., and 175. of the Revised 51483
Code and other provisions of Am. Sub. H.B. 283 of the 123rd 51484
General Assembly, the Director of Development may, upon the 51485
recommendation of the Minority Development Financing Advisory 51486
Board, pledge up to \$10,000,000 in the FY 2008-2009 biennium of 51487
unclaimed funds administered by the Director of Commerce and 51488
allocated to the Minority Business Bonding Program under section 51489
169.05 of the Revised Code. The transfer of any cash by the 51490
Director of Budget and Management from the Department of 51491
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of 51492

Development's Minority Business Bonding Fund (Fund 449) shall 51493
occur, if requested by the Director of Development, only if such 51494
funds are needed for payment of losses arising from the Minority 51495
Business Bonding Program, and only after proceeds of the initial 51496
transfer of \$2,700,000 by the Controlling Board to the Minority 51497
Business Bonding Program has been used for that purpose. Moneys 51498
transferred by the Director of Budget and Management from the 51499
Department of Commerce for this purpose may be moneys in custodial 51500
funds held by the Treasurer of State. If expenditures are required 51501
for payment of losses arising from the Minority Business Bonding 51502
Program, such expenditures shall be made from appropriation item 51503
195-623, Minority Business Bonding Contingency in the Minority 51504
Business Bonding Fund, and such amounts are appropriated. 51505

Section 263.20.70. ECONOMIC DEVELOPMENT FINANCING OPERATING 51506

The foregoing appropriation item 195-625, Economic 51507
Development Financing Operating, shall be used for the operating 51508
expenses of financial assistance programs authorized under Chapter 51509
166. of the Revised Code and under sections 122.43 and 122.45 of 51510
the Revised Code. 51511

ALTERNATIVE FUEL TRANSPORTATION 51512

The foregoing appropriation item 195-679, Alternative Fuel 51513
Transportation, shall be used by the Director of Development to 51514
make grants under the Alternative Fuel Transportation Grant Fund 51515
Program in accordance with section 122.075 of the Revised Code, 51516
and for administrative costs associated with the program. 51517

Of the foregoing appropriation item 195-679, Alternative Fuel 51518
Transportation, up to \$1,000,000 in each fiscal year shall be used 51519
to encourage retail gas stations to provide E85 and B20 (or 51520
higher) fuel to customers in accordance with section 122.075 of 51521
the Revised Code. 51522

LOW INCOME ENERGY ASSISTANCE 51523

The foregoing appropriation item 195-659, Low Income Energy 51524
Assistance, shall be used to provide payments to regulated 51525
electric utility companies for low-income customers enrolled in 51526
Percentage of Income Payment Plan (PIPP) electric accounts, to 51527
fund targeted energy efficiency and customer education services to 51528
PIPP customers, and to cover the department's administrative costs 51529
related to Universal Service Fund Programs. If it is determined 51530
that additional appropriations are necessary to provide payments 51531
to regulated utility companies for low income customers enrolled 51532
in PIPP electric accounts, such amounts are hereby appropriated. 51533

ADVANCED ENERGY FUND 51534

The foregoing appropriation item 195-660, Advanced Energy 51535
Programs, shall be used to provide financial assistance to 51536
customers for eligible advanced energy projects for residential, 51537
commercial and industrial business, local government, educational 51538
institution, nonprofit, and agriculture customers, and to pay for 51539
the program's administrative costs as provided in the Revised Code 51540
and rules adopted by the Director of Development. 51541

Of the foregoing appropriation item 195-660, Advanced Energy 51542
Programs, up to \$1,000,000 over the biennium shall be used for 51543
methane digester projects. 51544

TRANSFER FROM THE ADVANCED ENERGY FUND TO THE INDUSTRIAL SITE 51545
IMPROVEMENTS FUND 51546

Notwithstanding Chapters 122. and 4928. of the Revised Code 51547
and any other law to the contrary, the Director of Budget and 51548
Management shall transfer \$4,500,000 in cash in fiscal year 2008 51549
and \$4,500,000 in cash in fiscal year 2009 from the Advanced 51550
Energy Fund (Fund 5M5) to the Industrial Site Improvements Fund 51551
(Fund 5AR). 51552

Moneys in Fund 5AR, Industrial Site Improvements, shall be 51553

used by the Director of Development to make grants to eligible 51554
counties for the improvement of commercial or industrial areas 51555
within those counties under section 122.951 of the Revised Code. 51556

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 51557

All payments received by the state pursuant to a series of 51558
settlements with ten brokerage firms reached with the United 51559
States Securities and Exchange Commission, the National 51560
Association of Securities Dealers, the New York Stock Exchange, 51561
the New York Attorney General, and other state regulators 51562
(henceforth referred to as the "Global Analysts Settlement 51563
Agreements"), shall be deposited into the state treasury to the 51564
credit of the Economic Development Contingency Fund (Fund 5Y6), 51565
which is hereby created in the state treasury. The fund shall be 51566
used by the Director of Development to support economic 51567
development projects for which appropriations would not otherwise 51568
be available, and shall be subject to the submission of a request 51569
to the Controlling Board by the Director outlining the planned use 51570
of the funds, and the subsequent approval of the request by the 51571
Controlling Board. 51572

VOLUME CAP ADMINISTRATION 51573

The foregoing appropriation item 195-654, Volume Cap 51574
Administration, shall be used for expenses related to the 51575
administration of the Volume Cap Program. Revenues received by the 51576
Volume Cap Administration Fund (Fund 617) shall consist of 51577
application fees, forfeited deposits, and interest earned from the 51578
custodial account held by the Treasurer of State. 51579

INNOVATION OHIO LOAN FUND 51580

The foregoing appropriation item 195-664, Innovation Ohio, 51581
shall be used to provide for innovation Ohio purposes, including 51582
loan guarantees and loans under Chapter 166. and particularly 51583
sections 166.12 to 166.16 of the Revised Code. 51584

RESEARCH AND DEVELOPMENT 51585

The foregoing appropriation item 195-665, Research and 51586
Development, shall be used to provide for research and development 51587
purposes, including loans, under Chapter 166. and particularly 51588
sections 166.17 to 166.21 of the Revised Code. 51589

Section 263.20.80. FACILITIES ESTABLISHMENT FUND 51590

The foregoing appropriation item 195-615, Facilities 51591
Establishment (Fund 037), shall be used for the purposes of the 51592
Facilities Establishment Fund under Chapter 166. of the Revised 51593
Code. 51594

Notwithstanding Chapter 166. of the Revised Code, an amount 51595
not to exceed \$1,800,000 in cash each fiscal year may be 51596
transferred from the Facilities Establishment Fund (Fund 037) to 51597
the Economic Development Financing Operating Fund (Fund 451). The 51598
transfer is subject to Controlling Board approval under division 51599
(B) of section 166.03 of the Revised Code. 51600

Notwithstanding Chapter 166. of the Revised Code, an amount 51601
not to exceed \$5,475,000 in cash each fiscal year may be 51602
transferred during the biennium from the Facilities Establishment 51603
Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2) 51604
for the purpose of removing barriers to urban core redevelopment. 51605
The Director of Development shall develop program guidelines for 51606
the transfer and release of funds, including, but not limited to, 51607
the completion of all appropriate environmental assessments before 51608
state assistance is committed to a project. 51609

Notwithstanding Chapter 166. of the Revised Code, an amount 51610
not to exceed \$3,000,000 in cash each fiscal year may be 51611
transferred from the Facilities Establishment Fund (Fund 037) to 51612
the Rural Industrial Park Loan Fund (Fund 4Z6). The transfer is 51613
subject to Controlling Board approval under section 166.03 of the 51614

Revised Code. 51615

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND 51616

Notwithstanding Chapter 166. of the Revised Code, an amount 51617
not to exceed \$1,000,000 in cash each fiscal year shall be 51618
transferred from moneys in the Facilities Establishment Fund (Fund 51619
037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG) 51620
in the Department of Development. 51621

RURAL DEVELOPMENT INITIATIVE FUND 51622

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is 51623
entitled to receive moneys from the Facilities Establishment Fund 51624
(Fund 037). The Director of Development may make grants from the 51625
Rural Development Initiative Fund as specified in division (A)(2) 51626
of this section to eligible applicants in Appalachian counties and 51627
in rural counties in the state that are designated as distressed 51628
under section 122.25 of the Revised Code. Preference shall be 51629
given to eligible applicants located in Appalachian counties 51630
designated as distressed by the federal Appalachian Regional 51631
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 51632
cease to exist after June 30, 2009. All moneys remaining in the 51633
Fund after that date shall revert to the Facilities Establishment 51634
Fund (Fund 037). 51635

(2) The Director of Development shall make grants from the 51636
Rural Development Initiative Fund (Fund 5S8) only to eligible 51637
applicants who also qualify for and receive funding under the 51638
Rural Industrial Park Loan Program as specified in sections 122.23 51639
to 122.27 of the Revised Code. Eligible applicants shall use the 51640
grants for the purposes specified in section 122.24 of the Revised 51641
Code. All projects supported by grants from the fund are subject 51642
to Chapter 4115. of the Revised Code as specified in division (E) 51643
of section 166.02 of the Revised Code. The Director shall develop 51644
program guidelines for the transfer and release of funds. The 51645

release of grant moneys to an eligible applicant is subject to 51646
Controlling Board approval. 51647

(B) Notwithstanding Chapter 166. of the Revised Code, the 51648
Director of Budget and Management may transfer an amount not to 51649
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 51650
at the request of the Director of Development from the Facilities 51651
Establishment Fund (Fund 037) to the Rural Development Initiative 51652
Fund (Fund 5S8). The transfer is subject to Controlling Board 51653
approval under section 166.03 of the Revised Code. 51654

CAPITAL ACCESS LOAN PROGRAM 51655

The foregoing appropriation item 195-628, Capital Access Loan 51656
Program, shall be used for operating, program, and administrative 51657
expenses of the program. Funds of the Capital Access Loan Program 51658
shall be used to assist participating financial institutions in 51659
making program loans to eligible businesses that face barriers in 51660
accessing working capital and obtaining fixed--asset financing. 51661

Notwithstanding Chapter 166. of the Revised Code, the 51662
Director of Budget and Management may transfer an amount not to 51663
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 51664
at the request of the Director of Development from the Facilities 51665
Establishment Fund (Fund 037) to the Capital Access Loan Program 51666
Fund (Fund 5S9). The transfer is subject to Controlling Board 51667
approval under section 166.03 of the Revised Code. 51668

Section 263.20.90. CLEAN OHIO OPERATING EXPENSES 51669

The foregoing appropriation item 195-663, Clean Ohio 51670
Operating, shall be used by the Department of Development in 51671
administering sections 122.65 to 122.658 of the Revised Code. 51672

THIRD FRONTIER OPERATING 51673

The foregoing appropriation item 195-686, Third Frontier 51674
Operating, shall be used for operating expenses incurred by the 51675

Department of Development in administering sections 184.10 to 51676
184.20 of the Revised Code. 51677

THIRD FRONTIER RESEARCH & DEVELOPMENT PROJECTS 51678

The foregoing appropriation item 195-687, Third Frontier 51679
Research & Development Projects, shall be used by the Department 51680
of Development to fund selected projects pursuant to sections 51681
184.10 to 184.20 of the Revised Code. 51682

Notwithstanding sections 184.10 to 184.20 of the Revised 51683
Code, of the foregoing appropriation item 195-687, Third Frontier 51684
Research & Development Projects, up to \$20,000,000 in fiscal year 51685
2008 shall be used by the Office of Information Technology, in 51686
partnership with the Ohio Supercomputer Center's OSCnet, to 51687
acquire the equipment and services necessary to migrate state 51688
agencies' network to the existing OSCnet network backbone. This 51689
state network shall be known as the NextGen Network. 51690

Notwithstanding sections 184.10 to 184.20 of the Revised 51691
Code, at the direction of the Director of Budget and Management up 51692
to \$18,000,000 in each fiscal year from appropriation item 51693
195-687, Third Frontier Research & Development Projects, and 51694
appropriation item 195-692, Research & Development Taxable Bond 51695
Projects, shall be used to fund the Research Incentive Program in 51696
the Board of Regents. 51697

On or before June 30, 2008, any unencumbered balance of the 51698
foregoing appropriation item 195-687, Third Frontier Research & 51699
Development Projects, for fiscal year 2008 is hereby appropriated 51700
for the same purpose for fiscal year 2009. 51701

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 51702

The Ohio Public Facilities Commission, upon request of the 51703
Department of Development, is hereby authorized to issue and sell, 51704
in accordance with Section 2p of Article VIII, Ohio Constitution, 51705
and particularly sections 151.01 and 151.10 of the Revised Code, 51706

original obligations of the State of Ohio in an aggregate amount 51707
not to exceed \$150,000,000. The authorized obligations shall be 51708
issued and sold from time to time and in amounts necessary to 51709
ensure sufficient moneys to the credit of the Third Frontier 51710
Research & Development Fund (Fund 011) to pay costs of research 51711
and development projects. 51712

JOB READY SITE OPERATING 51713

The foregoing appropriation item 195-688, Job Ready Site 51714
Operating, shall be used for operating expenses incurred by the 51715
Department of Development in administering sections 122.085 to 51716
122.0820 of the Revised Code. Operating expenses include, but are 51717
not limited to, certain expenses of the District Public Works 51718
Integrating Committees, audit and accountability activities, and 51719
costs associated with formal certifications verifying that site 51720
infrastructure is in place and is functional. 51721

Section 263.30.10. UNCLAIMED FUNDS TRANSFER 51722

(A) Notwithstanding division (A) of section 169.05 of the 51723
Revised Code, upon the request of the Director of Budget and 51724
Management, the Director of Commerce, prior to June 30, 2008, 51725
shall transfer to the Job Development Initiatives Fund (Fund 5AD) 51726
an amount not to exceed \$9,275,000 in cash of the unclaimed funds 51727
that have been reported by the holders of unclaimed funds under 51728
section 169.05 of the Revised Code, regardless of the allocation 51729
of the unclaimed funds described under that section. 51730

Notwithstanding division (A) of section 169.05 of the Revised 51731
Code, upon the request of the Director of Budget and Management, 51732
the Director of Commerce, prior to June 30, 2009, shall transfer 51733
to the Job Development Initiatives Fund (Fund 5AD) an amount not 51734
to exceed \$28,675,000 in cash of the unclaimed funds that have 51735
been reported by the holders of unclaimed funds under section 51736
169.05 of the Revised Code, regardless of the allocation of the 51737

unclaimed funds described under that section. 51738

(B) Notwithstanding division (A) of section 169.05 of the 51739
Revised Code, upon the request of the Director of Budget and 51740
Management, the Director of Commerce, prior to June 30, 2008, 51741
shall transfer to the State Special Projects Fund (Fund 4F2) an 51742
amount not to exceed \$2,500,000 of the unclaimed funds that have 51743
been reported by the holders of unclaimed funds under section 51744
169.05 of the Revised Code, regardless of the allocation of the 51745
unclaimed funds described under that section. 51746

Notwithstanding division (A) of section 169.05 of the Revised 51747
Code, upon the request of the Director of Budget and Management, 51748
the Director of Commerce, prior to June 30, 2009, shall transfer 51749
to the State Special Projects Fund (Fund 4F2) an amount not to 51750
exceed \$2,500,000 in cash of the unclaimed funds that have been 51751
reported by the holders of unclaimed funds under section 169.05 of 51752
the Revised Code, regardless of the allocation of the unclaimed 51753
funds described under that section. 51754

Section 263.30.20. WORKFORCE DEVELOPMENT 51755

The Director of Development and the Director of Job and 51756
Family Services may enter into one or more interagency agreements 51757
between the two departments, hire staff, transfer staff, assign 51758
duties to staff, enter into contracts, transfer assets, and take 51759
other actions the directors consider necessary to provide services 51760
and assistance as necessary to integrate workforce development 51761
into a larger economic development strategy, to implement the 51762
recommendations of the Workforce Policy Board, and to perform 51763
activities related to the transition of the administration of 51764
employment programs identified by the board. Subject to the 51765
approval of the Director of Budget and Management, the Department 51766
of Development and the Department of Job and Family Services may 51767
expend funds to support the recommendations of the Workforce 51768

Policy Board in the area of integration of employment functions as 51769
described in this paragraph and to provide implementation and 51770
transition activities from the appropriations to those 51771
departments. 51772

Section 265.10. OBD OHIO BOARD OF DIETETICS 51773

General Services Fund Group 51774
4K9 860-609 Operating Expenses \$ 342,501 \$ 348,964 51775
TOTAL GSF General Services Fund 51776
Group \$ 342,501 \$ 348,964 51777
TOTAL ALL BUDGET FUND GROUPS \$ 342,501 \$ 348,964 51778

Section 267.10. CDR COMMISSION ON DISPUTE RESOLUTION AND 51780
CONFLICT MANAGEMENT 51781

General Revenue Fund 51782
GRF 145-401 Commission Operations \$ 470,000 \$ 470,000 51783
TOTAL GRF General Revenue Fund \$ 470,000 \$ 470,000 51784
General Services Fund Group 51785
4B6 145-601 Dispute Resolution \$ 140,000 \$ 140,000 51786
Programs
TOTAL GSF General Services Fund \$ 140,000 \$ 140,000 51787
Group
TOTAL ALL BUDGET FUND GROUPS \$ 610,000 \$ 610,000 51788

Section 269.10. EDU DEPARTMENT OF EDUCATION 51790

General Revenue Fund 51791
GRF 200-100 Personal Services \$ 11,533,494 \$ 12,110,169 51792
GRF 200-320 Maintenance and \$ 4,574,479 \$ 4,803,203 51793
Equipment
GRF 200-408 Early Childhood \$ 29,002,195 \$ 31,502,195 51794
Education
GRF 200-410 Educator Training \$ 18,828,817 \$ 19,828,817 51795

GRF 200-416	Career-Technical Education Match	\$ 2,233,195	\$ 2,233,195	51796
GRF 200-420	Computer/Application/ Network Development	\$ 5,536,362	\$ 5,793,700	51797
GRF 200-421	Alternative Education Programs	\$ 13,482,665	\$ 13,482,665	51798
GRF 200-422	School Management Assistance	\$ 2,460,572	\$ 2,460,572	51799
GRF 200-424	Policy Analysis	\$ 576,000	\$ 611,000	51800
GRF 200-425	Tech Prep Consortia Support	\$ 2,069,217	\$ 2,069,217	51801
GRF 200-426	Ohio Educational Computer Network	\$ 30,446,197	\$ 30,446,197	51802
GRF 200-427	Academic Standards	\$ 11,514,730	\$ 11,514,730	51803
GRF 200-431	School Improvement Initiatives	\$ 12,270,150	\$ 12,955,150	51804
GRF 200-433	Literacy Improvement-Professional Development	\$ 15,915,000	\$ 15,915,000	51805
GRF 200-437	Student Assessment	\$ 79,150,819	\$ 78,387,144	51806
GRF 200-439	Accountability/Report Cards	\$ 8,096,040	\$ 8,223,540	51807
GRF 200-442	Child Care Licensing	\$ 1,302,495	\$ 1,302,495	51808
GRF 200-446	Education Management Information System	\$ 16,110,510	\$ 16,586,082	51809
GRF 200-447	GED Testing	\$ 1,544,360	\$ 1,544,360	51810
GRF 200-448	Educator Preparation	\$ 1,651,000	\$ 1,651,000	51811
GRF 200-455	Community Schools	\$ 1,533,661	\$ 1,533,661	51812
GRF 200-502	Pupil Transportation	\$ 424,783,117	\$ 429,030,948	51813
GRF 200-503	Bus Purchase Allowance	\$ 14,000,000	\$ 14,000,000	51814
GRF 200-505	School Lunch Match	\$ 8,998,025	\$ 8,998,025	51815
GRF 200-509	Adult Literacy Education	\$ 8,669,738	\$ 8,669,738	51816

GRF 200-511	Auxiliary Services	\$	131,740,457	\$	135,692,670	51817
GRF 200-514	Postsecondary Adult Career-Technical Education	\$	19,481,875	\$	19,481,875	51818
GRF 200-521	Gifted Pupil Program	\$	47,608,030	\$	48,008,613	51819
GRF 200-532	Nonpublic Administrative Cost Reimbursement	\$	59,810,517	\$	61,604,832	51820
GRF 200-536	Ohio Core Support	\$	9,700,000	\$	15,200,000	51821
GRF 200-537	Entry Year for Principals	\$	800,000	\$	800,000	51822
GRF 200-540	Special Education Enhancements	\$	138,619,945	\$	139,756,839	51823
GRF 200-545	Career-Technical Education Enhancements	\$	9,298,651	\$	9,373,926	51824
GRF 200-550	Foundation Funding	\$	5,761,699,328	\$	6,034,943,246	51825
GRF 200-566	Literacy Improvement-Classroom Grants	\$	12,062,336	\$	12,062,336	51826
GRF 200-578	Violence Prevention and School Safety	\$	1,218,555	\$	1,218,555	51827
GRF 200-901	Property Tax Allocation - Education	\$	794,583,404	\$	850,868,654	51828
GRF 200-906	Tangible Tax Exemption - Education	\$	21,415,244	\$	10,707,622	51829
TOTAL GRF	General Revenue Fund	\$	7,734,321,180	\$	8,075,371,971	51830
	General Services Fund Group					51831
138 200-606	Computer Services-Operational Support	\$	7,600,091	\$	7,600,091	51832
4D1 200-602	Ohio Prevention/Education Resource Center	\$	832,000	\$	832,000	51833

4L2	200-681	Teacher Certification and Licensure	\$	5,966,032	\$	6,323,994	51834
452	200-638	Miscellaneous Educational Services	\$	273,166	\$	279,992	51835
5H3	200-687	School District Solvency Assistance	\$	18,000,000	\$	18,000,000	51836
596	200-656	Ohio Career Information System	\$	529,761	\$	529,761	51837
TOTAL GSF General Services							51838
Fund Group			\$	33,201,050	\$	33,565,838	51839
Federal Special Revenue Fund Group							51840
3AF	200-603	Schools Medicaid Administrative Claims	\$	486,000	\$	639,000	51841
3BK	200-628	Longitudinal Data Systems	\$	1,795,570	\$	307,050	51842
3BV	200-636	Character Education	\$	700,000	\$	700,000	51843
3CF	200-644	Foreign Language Assistance	\$	85,000	\$	285,000	51844
3CG	200-646	Teacher Incentive Fund	\$	6,552,263	\$	3,994,338	51845
3C5	200-661	Early Childhood Education	\$	18,989,779	\$	18,989,779	51846
3D1	200-664	Drug Free Schools	\$	13,347,966	\$	13,347,966	51847
3D2	200-667	Honors Scholarship Program	\$	6,573,968	\$	6,665,000	51848
3H9	200-605	Head Start Collaboration Project	\$	275,000	\$	275,000	51849
3L6	200-617	Federal School Lunch	\$	244,714,211	\$	249,903,970	51850
3L7	200-618	Federal School Breakfast	\$	63,927,606	\$	69,041,814	51851
3L8	200-619	Child/Adult Food Programs	\$	69,280,946	\$	70,691,653	51852
3L9	200-621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701	51853

3M0	200-623	ESEA Title 1A	\$	415,000,000	\$	420,000,000	51854
3M1	200-678	Innovative Education	\$	5,369,100	\$	5,363,706	51855
3M2	200-680	Individuals with Disabilities Education Act	\$	500,000,000	\$	405,000,000	51856
3S2	200-641	Education Technology	\$	10,000,000	\$	5,000,000	51857
3T4	200-613	Public Charter Schools	\$	13,850,827	\$	14,212,922	51858
3Y2	200-688	21st Century Community Learning Centers	\$	30,681,554	\$	30,681,554	51859
3Y4	200-632	Reading First	\$	35,215,798	\$	31,215,798	51860
3Y6	200-635	Improving Teacher Quality	\$	102,692,685	\$	102,698,246	51861
3Y7	200-689	English Language Acquisition	\$	8,000,000	\$	8,000,000	51862
3Y8	200-639	Rural and Low Income Technical Assistance	\$	1,500,000	\$	1,500,000	51863
3Z2	200-690	State Assessments	\$	12,883,799	\$	12,883,799	51864
3Z3	200-645	Consolidated Federal Grant Administration	\$	8,500,000	\$	8,500,000	51865
309	200-601	Educationally Disadvantaged Programs	\$	12,750,000	\$	8,750,000	51866
366	200-604	Adult Basic Education	\$	19,425,000	\$	20,396,250	51867
367	200-607	School Food Services	\$	5,849,748	\$	6,088,737	51868
368	200-614	Veterans' Training	\$	710,373	\$	745,892	51869
369	200-616	Career-Technical Education Federal Enhancement	\$	5,000,000	\$	5,000,000	51870
370	200-624	Education of Exceptional Children	\$	1,811,520	\$	575,454	51871
374	200-647	Troops to Teachers	\$	100,000	\$	100,000	51872
378	200-660	Learn and Serve	\$	1,561,954	\$	1,561,954	51873
TOTAL FED Federal Special Revenue Fund Group							51874
			\$	1,665,660,368	\$	1,571,144,583	51875

	State Special Revenue Fund Group					51876
4R7	200-695 Indirect Operational Support	\$	5,449,748	\$	5,810,464	51877
4V7	200-633 Interagency Operational Support	\$	392,100	\$	376,423	51878
454	200-610 Guidance and Testing	\$	400,000	\$	400,000	51879
455	200-608 Commodity Foods	\$	24,000,000	\$	24,000,000	51880
5BB	200-696 State Action for Education Leadership	\$	1,250,000	\$	1,250,000	51881
5BJ	200-626 Half-Mill Maintenance Equalization	\$	10,700,000	\$	10,700,000	51882
5U2	200-685 National Education Statistics	\$	300,000	\$	300,000	51883
5W2	200-663 Early Learning Initiative	\$	2,200,000	\$	2,200,000	51884
598	200-659 Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	51885
620	200-615 Educational Improvement Grants	\$	3,000,000	\$	3,000,000	51886
	TOTAL SSR State Special Revenue Fund Group	\$	49,020,758	\$	49,365,797	51887
	Lottery Profits Education Fund Group					51889
017	200-612 Foundation Funding	\$	635,198,000	\$	667,900,000	51890
017	200-682 Lease Rental Payment Reimbursement	\$	22,702,000	\$	0	51891
	TOTAL LPE Lottery Profits Education Fund Group	\$	657,900,000	\$	667,900,000	51892
	Revenue Distribution Fund Group					51894
047	200-909 School District Property Tax Replacement-Business	\$	611,596,856	\$	763,316,819	51895
053	200-900 School District	\$	91,123,523	\$	91,123,523	51896

Property Tax
Replacement-Utility

TOTAL RDF Revenue Distribution			51897
Fund Group	\$ 702,720,379	\$ 854,440,342	51898
TOTAL ALL BUDGET FUND GROUPS	\$10,842,823,735	\$11,251,788,531	51899

Section 269.10.10. PERSONAL SERVICES 51901

The foregoing appropriation item 200-100, Personal Services, 51902
 may be used to pay fees for the Department's membership in the 51903
 Education Commission of the States, an interstate nonprofit, 51904
 nonpartisan organization that supports states with the development 51905
 of education policy. 51906

Of the foregoing appropriation item 200-100, Personal 51907
 Services, up to \$25,000 may be expended in each fiscal year for 51908
 the State Board of Education to pay for outside professionals to 51909
 help inform the Board on topics of education policy. 51910

MAINTENANCE AND EQUIPMENT 51911

Of the foregoing appropriation item 200-320, Maintenance and 51912
 Equipment, up to \$25,000 may be expended in each fiscal year for 51913
 State Board of Education out-of-state travel. 51914

Section 269.10.20. EARLY CHILDHOOD EDUCATION 51915

The Department of Education shall distribute the foregoing 51916
 appropriation item 200-408, Early Childhood Education, to pay the 51917
 costs of early childhood education programs. 51918

(A) As used in this section: 51919

(1) "Provider" means a city, local, exempted village, or 51920
 joint vocational school district, or an educational service 51921
 center. 51922

(2) In the case of a city, local, or exempted village school 51923
 district, "new eligible provider" means a district that is 51924

eligible for poverty-based assistance under section 3317.029 of 51925
the Revised Code. 51926

(3) "Eligible child" means a child who is at least three 51927
years of age, is not of the age to be eligible for kindergarten, 51928
and whose family earns not more than two hundred per cent of the 51929
federal poverty guidelines. 51930

(B) In each fiscal year, up to two per cent of the total 51931
appropriation may be used by the Department for program support 51932
and technical assistance. The Department shall distribute the 51933
remainder of the appropriation in each fiscal year to serve 51934
eligible children. 51935

(C) The Department shall provide an annual report to the 51936
Governor, the Speaker of the House of Representatives, and the 51937
President of the Senate and post the report to the Department's 51938
web site, regarding early childhood education programs operated 51939
under this section and the early learning program guidelines for 51940
school readiness. 51941

(D) After setting aside the amounts to make payments due from 51942
the previous fiscal year, in fiscal year 2008, the Department 51943
shall distribute funds first to recipients of funds for early 51944
childhood education programs under Section 206.09.06 of Am. Sub. 51945
H.B. 66 of the 126th General Assembly in the previous fiscal year 51946
and the balance to new eligible providers of early childhood 51947
education programs under this section. However, the total amount 51948
of funds distributed in fiscal year 2008 to all providers that 51949
received funds for early childhood education programs in fiscal 51950
year 2007 shall not exceed \$18,622,151, unless the number of new 51951
eligible providers that notifies the Department of their interest 51952
in establishing early childhood education programs is insufficient 51953
to expend all available funding. In that case, the Department may 51954
direct available funding to providers that received funds for 51955
early childhood education programs in fiscal year 2007 for 51956

purposes of program expansion, improvement, or special projects to 51957
promote quality and innovation. 51958

After setting aside the amounts to make payments due from the 51959
previous fiscal year, in fiscal year 2009, the Department shall 51960
distribute funds first to providers of early childhood education 51961
programs under this section in the previous fiscal year and the 51962
balance to new eligible providers. However, the total amount of 51963
funds distributed in fiscal year 2009 to all providers that 51964
received funds for early childhood education programs in fiscal 51965
year 2007 shall not exceed \$18,622,151, unless the number of 51966
providers that received funding in fiscal year 2008 and new 51967
eligible providers that notify the Department of their interest in 51968
establishing early childhood education programs is insufficient to 51969
expend all available funding. In that case, the Department may 51970
direct available funding to providers that received funds for 51971
early childhood education programs in fiscal year 2007 or 2008 for 51972
purposes of program expansion, improvement, or special projects to 51973
promote quality and innovation. 51974

In each of fiscal years 2008 and 2009, if funding is 51975
insufficient to serve all new eligible providers that notify the 51976
Department of their interest in establishing early childhood 51977
education programs, the Department shall determine which of those 51978
providers will receive funds using a selection process that first 51979
gives preference to providers that, as of March 15, 2007, did not 51980
offer early childhood education programs, but that had offered 51981
early childhood education programs or public preschool programs 51982
for some time after June 30, 2000, and second to providers that 51983
demonstrate a need for early childhood education programs, as 51984
determined by the Department. Demonstration of need shall include 51985
having higher rates of eligible children to be served. 51986

Awards under this section shall be distributed on a per-pupil 51987
basis, and in accordance with division (H) of this section. The 51988

Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services, as defined by the Department, reported on the first day of December or the first business day following that date equals the amount allocated under this section.

(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 (J) 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 52021
deficiencies, and technical assistance to be provided by the 52022
Department or obtained by the early childhood education program. 52023
The Department may withhold funding pending corrective action. If 52024
an early childhood education program fails to satisfactorily 52025
complete a corrective action plan, the Department may deny 52026
expansion funding to the program or withdraw all or part of the 52027
funding to the program and establish a new eligible provider 52028
through a selection process established by the Department. 52029

(G) Each early childhood education program shall do all of 52030
the following: 52031

(1) Meet teacher qualification requirements prescribed by 52032
section 3301.311 of the Revised Code; 52033

(2) Align curriculum to the early learning content standards; 52034

(3) Meet any assessment requirements prescribed by section 52035
3301.0715 of the Revised Code that are applicable to the program; 52036

(4) Require teachers, except teachers enrolled and working to 52037
obtain a degree pursuant to section 3301.311 of the Revised Code, 52038
to attend a minimum of twenty hours every two years of 52039
professional development as prescribed by the Department regarding 52040
the implementation of early learning program guidelines for school 52041
readiness; 52042

(5) Document and report child progress; 52043

(6) Meet and report compliance with the early learning 52044
program guidelines for school readiness; 52045

(7) Participate in early language and literacy classroom 52046
observation evaluation studies. 52047

(H) This division applies only to early childhood education 52048
programs established on or after March 15, 2007. 52049

Per-pupil funding for programs subject to this division shall 52050

be sufficient to provide eligible children with services for 52051
one-half of the statewide average length of the school day, as 52052
determined by the Department, for one hundred eighty-two days each 52053
school year. Nothing in this section shall be construed to 52054
prohibit program providers from utilizing other funds to serve 52055
eligible children in programs that exceed the statewide average 52056
length of the school day or that exceed one hundred eighty-two 52057
days in a school year. 52058

(I) Each provider shall develop a sliding fee scale based on 52059
family incomes and shall charge families who earn more than the 52060
federal poverty guidelines for the early childhood education 52061
program. 52062

(J) If an early childhood education program voluntarily 52063
waives its right for funding, or has its funding eliminated for 52064
not meeting financial standards or the early learning program 52065
guidelines for school readiness, the provider shall transfer 52066
control of title to property, equipment, and remaining supplies 52067
obtained through the program to providers designated by the 52068
Department and return any unexpended funds to the Department along 52069
with any reports prescribed by the Department. The funding made 52070
available from a program that waives its right for funding or has 52071
its funding eliminated or reduced may be used by the Department 52072
for new grant awards or expansion grants. The Department may award 52073
new grants or expansion grants to eligible providers who apply. 52074
The eligible providers who apply must do so in accordance with the 52075
selection process established by the Department. 52076

(K) As used in this section, "early learning program 52077
guidelines for school readiness" means the guidelines established 52078
by the Department pursuant to division (C)(3) of Section 206.09.54 52079
of Am. Sub. H.B. 66 of the 126th General Assembly. 52080

Section 269.10.30. EDUCATOR TRAINING 52081

The foregoing appropriation item 200-410, Educator Training, 52082
shall be used to fund professional development programs in Ohio. 52083
The Department of Education shall, when possible, incorporate 52084
cultural competency as a component of professional development and 52085
actively promote the development of cultural competency in the 52086
operation of its professional development programs. As used in 52087
this section, "cultural competency" has the meaning specified by 52088
the Educator Standards Board under section 3319.61 of the Revised 52089
Code. 52090

Of the foregoing appropriation item 200-410, Educator 52091
Training, up to \$9,250,000 in fiscal year 2008 and up to 52092
\$10,250,000 in fiscal year 2009 shall be used by the Department of 52093
Education to provide grants to pay \$2,225 of the application fee 52094
in order to assist teachers from public and chartered nonpublic 52095
schools applying for the first time to the National Board for 52096
Professional Teaching Standards for professional teaching 52097
certificates or licenses that the board offers. These moneys shall 52098
be used to pay up to the first 400 applications in each fiscal 52099
year received by the Department. This set aside shall also be used 52100
to recognize and reward teachers who become certified by the 52101
National Board for Professional Teaching Standards under section 52102
3319.55 of the Revised Code. Up to \$300,000 in each fiscal year of 52103
this set aside may be used by the Department to pay for costs 52104
associated with activities to support candidates through the 52105
application and certification process. Up to \$39,500 of this set 52106
aside in each fiscal year may be used to support the application 52107
fee for candidates participating in the Take One program for 52108
beginning teachers in years two and three. 52109

Of the foregoing appropriation item 200-410, Educator 52110
Training, up to \$8,715,817 in each fiscal year shall be allocated 52111
for entry year teacher programs. These funds shall be used to 52112
support mentoring services and performance assessments of 52113

beginning teachers in school districts and chartered nonpublic schools. 52114
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Of the foregoing appropriation item 200-410, Educator Training, up to \$200,000 in each fiscal year shall be used to provide technical assistance and grants for districts to develop local knowledge/skills-based compensation systems. Each district receiving grants shall issue an annual report to the Department of Education detailing the use of the funds and the impact of the system developed by the district. 52116
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Of the foregoing appropriation item 200-410, Educator Training, up to \$350,000 in each fiscal year shall be used for training and professional development of school administrators, school treasurers, and school business officials. 52123
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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. 52127
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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. 52130
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Section 269.10.40. CAREER-TECHNICAL EDUCATION MATCH 52133

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. 52134
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COMPUTER/APPLICATION/NETWORK DEVELOPMENT 52138

The foregoing appropriation item 200-420, Computer/Application/Network Development, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, 52139
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maintenance, and equipment costs related to the development and 52144
implementation of these technical system projects. Implementation 52145
of these systems shall allow the Department to provide greater 52146
levels of assistance to school districts and to provide more 52147
timely information to the public, including school districts, 52148
administrators, and legislators. Funds may also be used to support 52149
data-driven decision-making and differentiated instruction, as 52150
well as to communicate academic content standards and curriculum 52151
models to schools through web-based applications. 52152

Section 269.10.50. ALTERNATIVE EDUCATION PROGRAMS 52153

There is hereby created the Alternative Education Advisory 52154
Council, which shall consist of one representative from each of 52155
the following agencies: the Ohio Department of Education; the 52156
Department of Youth Services; the Ohio Department of Alcohol and 52157
Drug Addiction Services; the Department of Mental Health; the 52158
Office of the Governor or, at the Governor's discretion, the 52159
Office of the Lieutenant Governor; the Office of the Attorney 52160
General; and the Office of the Auditor of State. 52161

Of the foregoing appropriation item 200-421, Alternative 52162
Education Programs, up to \$6,227,310 in each fiscal year shall be 52163
used for the renewal of successful implementation grants and for 52164
competitive matching grants to the 21 urban school districts as 52165
defined in division (0) of section 3317.02 of the Revised Code as 52166
it existed prior to July 1, 1998, and up to \$6,161,074 in each 52167
fiscal year shall be used for the renewal of successful 52168
implementation grants and for competitive matching grants to rural 52169
and suburban school districts for alternative educational programs 52170
for existing and new at-risk and delinquent youth. Programs shall 52171
be focused on youth in one or more of the following categories: 52172
those who have been expelled or suspended, those who have dropped 52173
out of school or who are at risk of dropping out of school, those 52174

who are habitually truant or disruptive, or those on probation or 52175
on parole from a Department of Youth Services facility. Grants 52176
shall be awarded according to the criteria established by the 52177
Alternative Education Advisory Council in 1999. Grants shall be 52178
awarded only to programs in which the grant will not serve as the 52179
program's primary source of funding. These grants shall be 52180
administered by the Department of Education. 52181

The Department of Education may waive compliance with any 52182
minimum education standard established under section 3301.07 of 52183
the Revised Code for any alternative school that receives a grant 52184
under this section on the grounds that the waiver will enable the 52185
program to more effectively educate students enrolled in the 52186
alternative school. 52187

Of the foregoing appropriation item 200-421, Alternative 52188
Education Programs, up to \$422,281 in each fiscal year may be used 52189
for program administration, monitoring, technical assistance, 52190
support, research, and evaluation. Any unexpended balance may be 52191
used to provide additional matching grants to urban, suburban, or 52192
rural school districts as outlined above. 52193

Of the foregoing appropriation item 200-421, Alternative 52194
Education Programs, \$247,000 in each fiscal year shall be used to 52195
contract with the Center for Learning Excellence at The Ohio State 52196
University to provide technical support for the project and the 52197
completion of formative and summative evaluation of the grants. 52198

Of the foregoing appropriation item 200-421, Alternative 52199
Education Programs, \$75,000 in each fiscal year shall be used to 52200
support the Toledo Tech Academy. 52201

Of the foregoing appropriation item 200-421, Alternative 52202
Education Programs, \$100,000 in each fiscal year shall be used for 52203
the Youth Opportunities United, Inc. 52204

Of the foregoing appropriation item 200-421, Alternative 52205

Education Programs, \$250,000 in each fiscal year shall be used to 52206
support Amer-I-Can. 52207

Section 269.10.60. SCHOOL MANAGEMENT ASSISTANCE 52208

Of the foregoing appropriation item 200-422, School 52209
Management Assistance, up to \$815,000 in each fiscal year may be 52210
used by the Department of Education for expenses incurred by the 52211
Auditor of State in consultation with the Department for the 52212
Auditor of State's role relating to fiscal caution, fiscal watch, 52213
and fiscal emergency activities as defined in Chapter 3316. of the 52214
Revised Code and may also be used to conduct performance audits 52215
with priority given to districts in fiscal distress. Expenses 52216
include duties related to the completion of performance audits for 52217
school districts that the Superintendent of Public Instruction 52218
determines are employing fiscal practices or experiencing 52219
budgetary conditions that could produce a state of fiscal watch or 52220
fiscal emergency. 52221

Of the foregoing appropriation item 200-422, School 52222
Management Assistance, up to \$250,000 in each fiscal year shall be 52223
used by the Department of Education to work with school districts 52224
and entities that serve school districts to develop and deploy 52225
analytical tools that allow districts and other stakeholders to 52226
analyze more thoroughly district spending patterns in order to 52227
promote more effective and efficient use of resources. Quarterly 52228
updates of the progress for implementation of these tools shall be 52229
provided to the Governor, and the Department shall give due 52230
diligence to implementing these tools in the shortest reasonable 52231
timeline. 52232

The remainder of foregoing appropriation item 200-422, School 52233
Management Assistance, shall be used by the Department of 52234
Education to provide fiscal technical assistance and inservice 52235
education for school district management personnel and to 52236

administer, monitor, and implement the fiscal watch and fiscal 52237
emergency provisions under Chapter 3316. of the Revised Code. 52238

Section 269.10.70. POLICY ANALYSIS 52239

The foregoing appropriation item 200-424, Policy Analysis, 52240
shall be used by the Department of Education to support a system 52241
of administrative, statistical, and legislative education 52242
information to be used for policy analysis. Staff supported by 52243
this appropriation shall administer the development of reports, 52244
analyses, and briefings to inform education policymakers of 52245
current trends in education practice, efficient and effective use 52246
of resources, and evaluation of programs to improve education 52247
results. The database shall be kept current at all times. These 52248
research efforts shall be used to supply information and analysis 52249
of data to the General Assembly and other state policymakers, 52250
including the Office of Budget and Management and the Legislative 52251
Service Commission. 52252

The Department of Education may use funding from this 52253
appropriation item to purchase or contract for the development of 52254
software systems or contract for policy studies that will assist 52255
in the provision and analysis of policy-related information. 52256
Funding from this appropriation item also may be used to monitor 52257
and enhance quality assurance for research-based policy analysis 52258
and program evaluation to enhance the effective use of education 52259
information to inform education policymakers. 52260

TECH PREP CONSORTIA SUPPORT 52261

The foregoing appropriation item 200-425, Tech Prep Consortia 52262
Support, shall be used by the Department of Education to support 52263
state-level activities designed to support, promote, and expand 52264
tech prep programs. Use of these funds shall include, but not be 52265
limited to, administration of grants, program evaluation, 52266
professional development, curriculum development, assessment 52267

development, program promotion, communications, and statewide 52268
coordination of tech prep consortia. 52269

Section 269.10.80. OHIO EDUCATIONAL COMPUTER NETWORK 52270

The foregoing appropriation item 200-426, Ohio Educational 52271
Computer Network, shall be used by the Department of Education to 52272
maintain a system of information technology throughout Ohio and to 52273
provide technical assistance for such a system in support of the 52274
State Education Technology Plan under section 3301.07 of the 52275
Revised Code. 52276

Of the foregoing appropriation item 200-426, Ohio Educational 52277
Computer Network, up to \$18,136,691 in each fiscal year shall be 52278
used by the Department of Education to support connection of all 52279
public school buildings and participating chartered nonpublic 52280
schools to the state's education network, to each other, and to 52281
the Internet. In each fiscal year the Department of Education 52282
shall use these funds to assist information technology centers or 52283
school districts with the operational costs associated with this 52284
connectivity. The Department of Education shall develop a formula 52285
and guidelines for the distribution of these funds to information 52286
technology centers or individual school districts. As used in this 52287
section, "public school building" means a school building of any 52288
city, local, exempted village, or joint vocational school 52289
district, any community school established under Chapter 3314. of 52290
the Revised Code, any educational service center building used for 52291
instructional purposes, the Ohio School for the Deaf and the Ohio 52292
School for the Blind, or high schools chartered by the Ohio 52293
Department of Youth Services and high schools operated by Ohio 52294
Department of Rehabilitation and Corrections' Ohio Central School 52295
System. 52296

Of the foregoing appropriation item 200-426, Ohio Educational 52297
Computer Network, up to \$2,469,223 in each fiscal year shall be 52298

used for the Union Catalog and InfOhio Network and to support the 52299
provision of electronic resources with priority given to resources 52300
that support the teaching of state academic content standards in 52301
all public schools. Consideration shall be given by the Department 52302
of Education to coordinating the allocation of these moneys with 52303
the efforts of Libraries Connect Ohio, whose members include 52304
OhioLINK, the Ohio Public Information Network, and the State 52305
Library of Ohio. 52306

Of the foregoing appropriation item 200-426, Ohio Educational 52307
Computer Network, up to \$8,338,468 in each fiscal year shall be 52308
used, through a formula and guidelines devised by the Department, 52309
to subsidize the activities of designated information technology 52310
centers, as defined by State Board of Education rules, to provide 52311
school districts and chartered nonpublic schools with 52312
computer-based student and teacher instructional and 52313
administrative information services, including approved 52314
computerized financial accounting, and to ensure the effective 52315
operation of local automated administrative and instructional 52316
systems. 52317

The remainder of appropriation item 200-426, Ohio Educational 52318
Computer Network, shall be used to support development, 52319
maintenance, and operation of a network of uniform and compatible 52320
computer-based information and instructional systems. This 52321
technical assistance shall include, but not be restricted to, 52322
development and maintenance of adequate computer software systems 52323
to support network activities. In order to improve the efficiency 52324
of network activities, the Department and information technology 52325
centers may jointly purchase equipment, materials, and services 52326
from funds provided under this appropriation for use by the 52327
network and, when considered practical by the Department, may 52328
utilize the services of appropriate state purchasing agencies. 52329

Section 269.10.90. ACADEMIC STANDARDS 52330

Of the foregoing appropriation item 200-427, Academic Standards, up to \$747,912 in each fiscal year shall be used to provide funds to school districts that have one or more teachers participating in the teachers-on-loan program. 52331
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Of the foregoing appropriation item 200-427, Academic Standards, \$150,000 in each fiscal year shall be used by the Department in combination with funding earmarked for this purpose in the Board of Regents' budget under appropriation item 235-321, Operating Expenses. Such funding shall be used to support Ohio's Partnership for Continued Learning at the direction of the Office of the Governor. Ohio's Partnership for Continued Learning replaces and broadens the former Joint Council of the Department 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. 52335
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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. 52349
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Of the foregoing appropriation item 200-427, Academic Standards, up to \$2,600,000 in each fiscal year shall be used for mathematics initiatives that include, but are not limited to, intensive teacher professional development institutes that focus on classroom implementation of the mathematics standards. 52354
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Of the foregoing appropriation item 200-427, Academic Standards, \$200,000 in each fiscal year may be used to support the 52359
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Ohio Resource Center for Math and Science. 52361

Of the foregoing appropriation item 200-427, Academic 52362
Standards, up to \$282,000 in each fiscal year shall be used for 52363
the JASON Expedition project that provides statewide access to 52364
JASON Expedition content. Funds shall be used to provide 52365
professional development training for teachers participating in 52366
the project, statewide management, and a seventy-five per cent 52367
subsidy for statewide licensing of JASON Expedition content with 52368
priority given to content aligned with state academic content 52369
standards for approximately 90,000 middle school students 52370
statewide. 52371

Of the foregoing appropriation item 200-427, Academic 52372
Standards, \$285,000 in each fiscal year shall be used for science 52373
initiatives that include, but are not limited to, the Ohio Science 52374
Institute (OSCI). 52375

The remainder of appropriation item 200-427, Academic 52376
Standards, shall be used by the Department of Education to 52377
develop, revise, and communicate to school districts academic 52378
content standards and curriculum models. The Department may also 52379
use the remainder to develop program models that demonstrate how 52380
the academic content standards can be implemented in high school 52381
classrooms and to offer online continuing education courses. 52382

Section 269.20.10. SCHOOL IMPROVEMENT INITIATIVES 52383

Of the foregoing appropriation item 200-431, School 52384
Improvement Initiatives, \$450,000 in each fiscal year shall be 52385
used for Ohio's Rural Appalachian Leadership Development 52386
Initiative. 52387

Of the foregoing appropriation item 200-431, School 52388
Improvement Initiatives, up to \$601,165 in each fiscal year shall 52389
be used by the Department of Education to support educational 52390

media centers to provide Ohio public schools with instructional 52391
resources and services with priority given to resources and 52392
services aligned with state academic content standards. 52393

Of the foregoing appropriation item 200-431, School 52394
Improvement Initiatives, up to \$800,000 in each fiscal year shall 52395
be used to support districts in the development and implementation 52396
of their continuous improvement plans as required in section 52397
3302.04 of the Revised Code and to provide technical assistance 52398
and support in accordance with Title I of the "No Child Left 52399
Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. This funding 52400
shall serve as a supplement to the funds provided under division 52401
(J) of section 3317.029 of the Revised Code, which represents 52402
state support for school improvement initiatives that assist 52403
school districts in closing the achievement gap. 52404

Of the foregoing appropriation item 200-431, School 52405
Improvement Initiatives, up to \$315,000 in each fiscal year shall 52406
be used to reduce the dropout rate by addressing the academic and 52407
social problems of inner-city students through Project GRAD. 52408

Of the foregoing appropriation item 200-431, School 52409
Improvement Initiatives, \$3,503,985 in fiscal year 2008 and 52410
\$4,253,985 in fiscal year 2009 shall be used in conjunction with 52411
funding provided in the Board of Regents' budget under 52412
appropriation item 235-434, College Readiness and Access, to 52413
create early college high schools, which are small, autonomous 52414
schools that blend high school and college into a coherent 52415
educational program. The funds shall be distributed according to 52416
guidelines established by the Department of Education and the 52417
Board of Regents. 52418

Of the foregoing appropriation item 200-431, School 52419
Improvement Initiatives, up to \$4,935,000 in each fiscal year 52420
shall be used in partnership with nonprofit groups with expertise 52421
in converting existing large urban high schools into small, 52422

personalized high schools. Districts eligible for such funding 52423
include the Urban 21 high schools, as defined in division (O) of 52424
section 3317.02 of the Revised Code as it existed prior to July 1, 52425
1998. 52426

Of the foregoing appropriation item 200-431, School 52427
Improvement Initiatives, up to \$65,000 in fiscal year 2008 shall 52428
be provided to Southern State Community College for the Pilot 52429
Post-Secondary Enrollment Options Program with Miami Trace High 52430
School. 52431

Of the foregoing appropriation item 200-431, School 52432
Improvement Initiatives, \$1,000,000 in each fiscal year shall be 52433
used to support Jobs for Ohio Graduates (JOG). The Department of 52434
Education shall require a two-to-one match of local funding to 52435
state funding before releasing these funds to JOG. 52436

Of the foregoing appropriation item 200-431, School 52437
Improvement Initiatives, up to \$600,000 in each fiscal year shall 52438
be used by the Department of Education to support start-up costs 52439
for gaining business and industry credentialing program 52440
accreditation and to support the development of a data collection 52441
system across the numerous industry test providers. Funds shall 52442
also be used to help subsidize the cost of student participation 52443
in industry assessments, provide research on industry assessments 52444
for alignment to industry-established content standards, provide 52445
professional development opportunities for educators, and prepare 52446
schools and adult centers to organize for credential alignment and 52447
delivery. 52448

Section 269.20.20. LITERACY IMPROVEMENT-PROFESSIONAL 52449
DEVELOPMENT 52450

Of the foregoing appropriation item 200-433, Literacy 52451
Improvement-Professional Development, up to \$9,790,000 in each 52452
fiscal year shall be used for educator training in literacy for 52453

classroom teachers, administrators, and literacy specialists. 52454

Of the foregoing appropriation item 200-433, Literacy 52455
Improvement-Professional Development, up to \$5,000,000 in each 52456
fiscal year shall be used to support literacy professional 52457
development partnerships between the Department of Education, 52458
higher education institutions, literacy networks, and school 52459
districts. 52460

Of the foregoing appropriation item 200-433, Literacy 52461
Improvement-Professional Development, up to \$900,000 in each 52462
fiscal year shall be used by the Department of Education to fund 52463
the Reading Recovery Training Network, to cover the cost of 52464
release time for the teacher trainers, and to provide grants to 52465
districts to implement other reading improvement programs on a 52466
pilot basis. Funds from this set-aside also may be used to conduct 52467
evaluations of the impact and effectiveness of Reading Recovery 52468
and other reading improvement programs. 52469

The remainder of appropriation item 200-433, Literacy 52470
Improvement-Professional Development, shall be used by the 52471
Department of Education to provide administrative support of 52472
literacy professional development programs, but the Department may 52473
also use the remainder to contract with an external evaluator on 52474
the effectiveness of literacy professional development initiatives 52475
in the academic achievement of students. 52476

STUDENT ASSESSMENT 52477

The foregoing appropriation item 200-437, Student Assessment, 52478
shall be used to develop, field test, print, distribute, score, 52479
report results, and support other associated costs for the tests 52480
required under sections 3301.0710 and 3301.0711 of the Revised 52481
Code and for similar purposes as required by section 3301.27 of 52482
the Revised Code. If funds remain in this appropriation after 52483
these purposes have been fulfilled, the Department may use the 52484

remainder of the appropriation to develop end-of-course exams. 52485

Section 269.20.30. ACCOUNTABILITY/REPORT CARDS 52486

Of the foregoing appropriation item 200-439, 52487
Accountability/Report Cards, up to \$3,028,540 in each fiscal year 52488
shall be used to train district and regional specialists and 52489
district educators in the use of the value-added progress 52490
dimension. This funding shall be used in consultation with a 52491
credible nonprofit organization with expertise in value-added 52492
progress dimensions. 52493

The remainder of appropriation item 200-439, 52494
Accountability/Report Cards, shall be used by the Department to 52495
incorporate a statewide pilot value-added progress dimension into 52496
performance ratings for school districts and for the development 52497
of an accountability system that includes the preparation and 52498
distribution of school report cards under section 3302.03 of the 52499
Revised Code. 52500

CHILD CARE LICENSING 52501

The foregoing appropriation item 200-442, Child Care 52502
Licensing, shall be used by the Department of Education to license 52503
and to inspect preschool and school-age child care programs under 52504
sections 3301.52 to 3301.59 of the Revised Code. 52505

Section 269.20.40. EDUCATION MANAGEMENT INFORMATION SYSTEM 52506

The foregoing appropriation item 200-446, Education 52507
Management Information System, shall be used by the Department of 52508
Education to improve the Education Management Information System 52509
(EMIS). 52510

Of the foregoing appropriation item 200-446, Education 52511
Management Information System, up to \$1,338,620 in fiscal year 52512
2008 and up to \$1,372,085 in fiscal year 2009 shall be distributed 52513

to designated information technology centers for costs relating to 52514
processing, storing, and transferring data for the effective 52515
operation of the EMIS. These costs may include, but are not 52516
limited to, personnel, hardware, software development, 52517
communications connectivity, professional development, and support 52518
services, and to provide services to participate in the State 52519
Education Technology Plan pursuant to section 3301.07 of the 52520
Revised Code. 52521

Of the foregoing appropriation item 200-446, Education 52522
Management Information System, up to \$8,256,569 in fiscal year 52523
2008 and up to \$8,462,984 in fiscal year 2009 shall be distributed 52524
on a per-pupil basis to school districts, community schools 52525
established under Chapter 3314. of the Revised Code, educational 52526
service centers, joint vocational school districts, and any other 52527
education entity that reports data through EMIS. From this 52528
funding, each school district or community school established 52529
under Chapter 3314. of the Revised Code with enrollment greater 52530
than 100 students and each vocational school district shall 52531
receive a minimum of \$5,000 in each fiscal year. Each school 52532
district or community school established under Chapter 3314. of 52533
the Revised Code with enrollment between one and one hundred and 52534
each educational service center and each county board of MR/DD 52535
that submits data through EMIS shall receive \$3,000 in each fiscal 52536
year. This subsidy shall be used for costs relating to reporting, 52537
processing, storing, transferring, and exchanging data necessary 52538
to meet requirements of the Department of Education's data system. 52539

The remainder of appropriation item 200-446, Education 52540
Management Information System, shall be used to develop and 52541
support a common core of data definitions and standards as adopted 52542
by the Education Data Advisory Council, including the ongoing 52543
development and maintenance of the data dictionary and data 52544
warehouse. In addition, such funds shall be used to support the 52545

development and implementation of data standards and the design, 52546
development, and implementation of a new data exchange system. 52547

Any provider of software meeting the standards approved by 52548
the Education Data Advisory Council shall be designated as an 52549
approved vendor and may enter into contracts with local school 52550
districts, community schools, information technology centers, or 52551
other educational entities for the purpose of collecting and 52552
managing data required under Ohio's education management 52553
information system (EMIS) laws. On an annual basis, the Department 52554
of Education shall convene an advisory group of school districts, 52555
community schools, and other education-related entities to review 52556
the Education Management Information System data definitions and 52557
data format standards. The advisory group shall recommend changes 52558
and enhancements based upon surveys of its members, education 52559
agencies in other states, and current industry practices, to 52560
reflect best practices, align with federal initiatives, and meet 52561
the needs of school districts. 52562

School districts and community schools not implementing a 52563
common and uniform set of data definitions and data format 52564
standards for Education Management Information System purposes 52565
shall have all EMIS funding withheld until they are in compliance. 52566

Section 269.20.50. GED TESTING 52567

The foregoing appropriation item 200-447, GED Testing, shall 52568
be used to provide General Educational Development (GED) testing 52569
at no cost to applicants, under rules adopted by the State Board 52570
of Education. The Department of Education shall reimburse school 52571
districts and community schools, created under Chapter 3314. of 52572
the Revised Code, for a portion of the costs incurred in providing 52573
summer instructional or intervention services to students who have 52574
not graduated because of their inability to pass one or more parts 52575
of the state's Ohio Graduation Test or ninth grade proficiency 52576

test. School districts shall also provide such services to 52577
students who are residents of the district under section 3313.64 52578
of the Revised Code, but who are enrolled in chartered, nonpublic 52579
schools. The services shall be provided in the public school, in 52580
nonpublic schools, in public centers, or in mobile units located 52581
on or off the nonpublic school premises. No school district shall 52582
provide summer instructional or intervention services to nonpublic 52583
school students as authorized by this section unless such services 52584
are available to students attending the public schools within the 52585
district. No school district shall provide services for use in 52586
religious courses, devotional exercises, religious training, or 52587
any other religious activity. Chartered, nonpublic schools shall 52588
pay for any unreimbursed costs incurred by school districts for 52589
providing summer instruction or intervention services to students 52590
enrolled in chartered, nonpublic schools. School districts may 52591
provide these services to students directly or contract with 52592
postsecondary or nonprofit community-based institutions in 52593
providing instruction. 52594

Section 269.20.60. EDUCATOR PREPARATION 52595

Of the foregoing appropriation item 200-448, Educator 52596
Preparation, \$100,000 in each fiscal year shall be provided in 52597
conjunction with funding in the Board of Regents' budget under 52598
appropriation item 235-435, Teacher Improvement Initiatives, to 52599
the Teacher Quality Partnership project. The Teacher Quality 52600
Partnership is a research consortium of Ohio's fifty colleges and 52601
universities providing teacher preparation programs. Funds shall 52602
be used to support a comprehensive longitudinal study of the 52603
preparation, in-school support, and effectiveness of Ohio 52604
teachers. 52605

Of the foregoing appropriation item 200-448, Educator 52606
Preparation, up to \$1,551,000 in each fiscal year may be used by 52607

the Department to support the Educator Standards Board under 52608
section 3319.61 of the Revised Code as it develops and recommends 52609
to the State Board of Education standards for educator training 52610
and standards for teacher and other school leadership positions. 52611
Any remaining funds may be used by the Department to develop 52612
alternative preparation programs for school leaders. 52613

Section 269.20.70. COMMUNITY SCHOOLS 52614

Of the foregoing appropriation item 200-455, Community 52615
Schools, up to \$1,308,661 in each fiscal year may be used by the 52616
Department of Education for additional services and 52617
responsibilities under section 3314.11 of the Revised Code. 52618

Of the foregoing appropriation item 200-455, Community 52619
Schools, up to \$225,000 in each fiscal year may be used by the 52620
Department of Education for developing and conducting training 52621
sessions for sponsors and prospective sponsors of community 52622
schools as prescribed in division (A)(1) of section 3314.015 of 52623
the Revised Code. In developing the training sessions, the 52624
Department shall collect and disseminate examples of best 52625
practices used by sponsors of independent charter schools in Ohio 52626
and other states. 52627

Section 269.20.80. PUPIL TRANSPORTATION 52628

Of the foregoing appropriation item 200-502, Pupil 52629
Transportation, up to \$830,624 in fiscal year 2008 and up to 52630
\$838,930 in fiscal year 2009 may be used by the Department of 52631
Education for training prospective and experienced school bus 52632
drivers in accordance with training programs prescribed by the 52633
Department. Up to \$59,870,514 in fiscal year 2008 and up to 52634
\$60,469,220 in fiscal year 2009 may be used by the Department of 52635
Education for special education transportation reimbursements to 52636
school districts and county MR/DD boards for transportation 52637

operating costs as provided in division (J) of section 3317.024 of 52638
the Revised Code. The remainder of appropriation item 200-502, 52639
Pupil Transportation, shall be used for the state reimbursement of 52640
public school districts' costs in transporting pupils to and from 52641
the school they attend in accordance with the district's policy, 52642
State Board of Education standards, and the Revised Code. 52643

Notwithstanding the distribution formula outlined in division 52644
(D) of section 3317.022 of the Revised Code, each school district 52645
shall receive an additional one per cent in state funding for 52646
transportation in fiscal year 2008 over what was received in 52647
fiscal year 2007, and the local share of transportation costs that 52648
is used in the calculation of the charge-off supplement and excess 52649
cost supplement for each school district in fiscal year 2008 shall 52650
be increased by one per cent from that used in calculations in 52651
fiscal year 2007. 52652

Notwithstanding the distribution formula outlined in division 52653
(D) of section 3317.022 of the Revised Code, each school district 52654
shall receive an additional one per cent in state funding for 52655
transportation in fiscal year 2009 over what was received in 52656
fiscal year 2008, and the local share of transportation costs that 52657
is used in the calculation of the charge-off supplement and excess 52658
cost supplement for each school district in fiscal year 2009 shall 52659
be increased by one per cent from that used in calculations in 52660
fiscal year 2008. 52661

School districts not receiving state funding for 52662
transportation in fiscal year 2005 under division (D) of section 52663
3317.022 of the Revised Code shall not receive state funding for 52664
transportation in fiscal year 2008 or fiscal year 2009. 52665

Section 269.20.90. BUS PURCHASE ALLOWANCE 52666

The foregoing appropriation item 200-503, Bus Purchase 52667
Allowance, shall be distributed to school districts, educational 52668

service centers, and county MR/DD boards pursuant to rules adopted 52669
under section 3317.07 of the Revised Code. Up to 28 per cent of 52670
the amount appropriated may be used to reimburse school districts 52671
and educational service centers for the purchase of buses to 52672
transport handicapped and nonpublic school students and to county 52673
MR/DD boards, the Ohio School for the Deaf, and the Ohio School 52674
for the Blind for the purchase of buses to transport handicapped 52675
students. 52676

SCHOOL LUNCH MATCH 52677

The foregoing appropriation item 200-505, School Lunch Match, 52678
shall be used to provide matching funds to obtain federal funds 52679
for the school lunch program. 52680

Section 269.30.10. ADULT LITERACY EDUCATION 52681

The foregoing appropriation item 200-509, Adult Literacy 52682
Education, shall be used to support adult basic and literacy 52683
education instructional programs and the State Literacy Resource 52684
Center Program. 52685

Of the foregoing appropriation item 200-509, Adult Literacy 52686
Education, up to \$488,037 in each fiscal year shall be used for 52687
the support and operation of the State Literacy Resource Center. 52688

Of the foregoing appropriation item 200-509, Adult Literacy 52689
Education, up to \$175,000 in each fiscal year shall be used for 52690
state reimbursement to school districts for adult high school 52691
continuing education programs under section 3313.531 of the 52692
Revised Code or for costs associated with awarding adult high 52693
school diplomas under section 3313.611 of the Revised Code. 52694

Of the foregoing appropriation item 200-509, Adult Literacy 52695
Education, \$130,000 in each fiscal year shall be used to support 52696
initiatives for English as a Second Language programs. Funding 52697
shall be distributed as follows: \$60,000 in each fiscal year for 52698

Jewish Community Federation of Cleveland, \$25,000 in each fiscal 52699
year for Yassenoff Jewish Community Center of Columbus, \$30,000 in 52700
each fiscal year for Jewish Family Services of Cincinnati, and 52701
\$15,000 in each fiscal year for Jewish Family Services of Dayton. 52702

The remainder of the appropriation shall be used to continue 52703
to satisfy the state match and maintenance of effort requirements 52704
for the support and operation of the Department of 52705
Education-administered instructional grant program for adult basic 52706
and literacy education in accordance with the Department's state 52707
plan for adult basic and literacy education as approved by the 52708
State Board of Education and the Secretary of the United States 52709
Department of Education. 52710

Section 269.30.20. AUXILIARY SERVICES 52711

The foregoing appropriation item 200-511, Auxiliary Services, 52712
shall be used by the Department of Education for the purpose of 52713
implementing section 3317.06 of the Revised Code. Of the 52714
appropriation, up to \$2,060,000 in fiscal year 2008 and up to 52715
\$2,121,800 in fiscal year 2009 may be used for payment of the 52716
Post-Secondary Enrollment Options Program for nonpublic students. 52717
Notwithstanding section 3365.10 of the Revised Code, the 52718
Department, in accordance with Chapter 119. of the Revised Code, 52719
shall adopt rules governing the distribution method for these 52720
funds. 52721

POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION 52722

Of the foregoing appropriation item 200-514, Postsecondary 52723
Adult Career-Technical Education, \$40,000 in each fiscal year 52724
shall be used for statewide coordination of the activities of the 52725
Ohio Young Farmers. 52726

The remainder of appropriation item 200-514, Postsecondary 52727
Adult Career-Technical Education, shall be used by the State Board 52728

of Education to provide postsecondary adult career-technical 52729
education under sections 3313.52 and 3313.53 of the Revised Code. 52730

Section 269.30.30. GIFTED PUPIL PROGRAM 52731

The foregoing appropriation item 200-521, Gifted Pupil 52732
Program, shall be used for gifted education units not to exceed 52733
1,110 in each fiscal year under division (L) of section 3317.024 52734
and division (F) of section 3317.05 of the Revised Code. 52735

Of the foregoing appropriation item 200-521, Gifted Pupil 52736
Program, up to \$4,747,000 in fiscal year 2008 and up to \$4,794,470 52737
in fiscal year 2009 may be used as an additional supplement for 52738
identifying gifted students under Chapter 3324. of the Revised 52739
Code. 52740

Of the foregoing appropriation item 200-521, Gifted Pupil 52741
Program, the Department of Education may expend up to \$1,015,858 52742
in fiscal year 2008 and up to \$1,026,017 in fiscal year 2009 for 52743
the Summer Honors Institute, including funding for the Martin 52744
Essex Program, which shall be awarded through a request for 52745
proposals process. 52746

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 52747

The foregoing appropriation item 200-532, Nonpublic 52748
Administrative Cost Reimbursement, shall be used by the Department 52749
of Education for the purpose of implementing section 3317.063 of 52750
the Revised Code. 52751

Section 269.30.40. OHIO CORE SUPPORT 52752

The foregoing appropriation item 200-536, Ohio Core Support, 52753
shall be used to support implementation of the Ohio Core Program, 52754
which requires establishment of a rigorous high school curriculum 52755
for Ohio's high school students. The Department of Education and 52756
the Board of Regents shall jointly plan and work collaboratively 52757

to guide implementation of the Ohio Core Program and to administer 52758
funding to eligible school districts, fiscal agents, individuals, 52759
and programs as determined under this section. The Department of 52760
Education and the Board of Regents shall jointly agree to the 52761
awarding and expenditure of funds appropriated in this section. 52762

Of the foregoing appropriation item 200-536, Ohio Core 52763
Support, up to \$2,600,000 in fiscal year 2008 and up to \$3,000,000 52764
in fiscal year 2009 shall be used to support the participation of 52765
teachers licensed in Ohio and mid-career professionals not 52766
currently employed by a school district or chartered nonpublic 52767
school or licensed to teach at the primary or secondary education 52768
levels in a twelve-month intensive training program that leads to 52769
teacher licensure in a laboratory-based science, advanced 52770
mathematics, or foreign language field at the secondary education 52771
level and employment with an Ohio school district school 52772
designated by the Department of Education as a hard to staff 52773
school. 52774

Of the foregoing appropriation item 200-536, Ohio Core 52775
Support, up to \$1,500,000 in fiscal year 2008 and up to \$2,100,000 52776
in fiscal year 2009 shall be used to support alternative teacher 52777
licensure programs developed by educational service centers in 52778
partnership with institutions of higher education. Participants 52779
shall be teachers licensed in Ohio and mid-career professionals 52780
not currently employed by a school district or chartered nonpublic 52781
school or licensed to teach at the primary or secondary education 52782
levels. Programs shall support teacher licensure in a 52783
laboratory-based science, advanced mathematics, or foreign 52784
language field at the secondary education level and employment 52785
with an Ohio school district school designated by the Department 52786
of Education as a hard to staff school. The programs shall be 52787
consistent with the State Board of Education's alternative 52788
licensure requirements. 52789

Of the foregoing appropriation item 200-536, Ohio Core Support, up to \$3,600,000 in each fiscal year shall be distributed to school districts to be used to obtain contracted instruction with institutions of higher education in advanced mathematics, laboratory-based science, or foreign language for public high school students that results in dual high school and college credit. Costs shall be based upon reasonable expenses that institutions of higher education could incur for faculty, supplies, and other associated costs.

Of the foregoing appropriation item 200-536, Ohio Core Support, up to \$2,000,000 in fiscal year 2008 shall be used to support the National Aeronautics and Space Administration resource centers.

Of the foregoing appropriation item 200-536, Ohio Core Support, up to \$6,500,000 in fiscal year 2009 shall be distributed to public school districts for supplemental post-secondary enrollment option participation. The Partnership for Continued Learning shall make program recommendations by October 31, 2007, to the Department of Education and the Board of Regents to remove school district barriers to participation and improve the quality of course offerings, ensuring that credit earned at institutions of higher education will apply toward high school graduation requirements and associate or baccalaureate degree requirements. Eligibility requirements and grant amounts awarded to school districts in fiscal year 2009 for the program shall be determined by criteria established by the Department of Education in collaboration with the Board of Regents and the Partnership for Continued Learning.

ENTRY YEAR FOR PRINCIPALS

The foregoing appropriation item 200-537, Entry Year for Principals, shall be used to fund entry year principal programs. These funds shall be used to support mentoring services and

performance assessments of beginning principals in school districts and chartered nonpublic schools. 52822
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Section 269.30.50. SPECIAL EDUCATION ENHANCEMENTS 52824

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 school psychology interns. 52825
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Of the foregoing appropriation item 200-540, Special Education Enhancements, \$750,000 in each fiscal year shall be used for the Out of School Initiative of Sinclair Community College. 52831
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Of the foregoing appropriation item 200-540, Special Education Enhancements, \$200,000 shall be used for a preschool special education pilot program in Bowling Green City School District. 52834
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Of the foregoing appropriation item 200-540, Special Education Enhancements, \$200,000 in each fiscal year shall be used to support the Bellefaire Jewish Children's Bureau. 52838
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Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$82,707,558 in fiscal year 2008 and up to \$83,371,505 in fiscal year 2009 shall be distributed by the Department of Education to county boards of mental retardation and developmental disabilities, educational service centers, and school districts for preschool special education units and preschool supervisory units under section 3317.052 of the Revised Code. The Department may reimburse county boards of mental retardation and developmental disabilities, educational service centers, and school districts for related services as defined in rule 3301-51-11 of the Administrative Code, for preschool 52841
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occupational and physical therapy services provided by a physical 52852
therapy assistant and certified occupational therapy assistant, 52853
and for an instructional assistant. To the greatest extent 52854
possible, the Department of Education shall allocate these units 52855
to school districts and educational service centers. 52856

No physical therapy assistant who provides services under 52857
this section shall fail to practice in accordance with the 52858
requirements of Chapter 4755. of the Revised Code and rules 52859
4755-27-02 and 4755-27-03 of the Administrative Code. No 52860
occupational therapy assistant who provides services under this 52861
section shall fail to practice in accordance with the requirements 52862
of Chapter 4755. of the Revised Code and rules 4755-7-01 and 52863
4755-7-03 of the Administrative Code. 52864

The Department of Education shall require school districts, 52865
educational service centers, and county MR/DD boards serving 52866
preschool children with disabilities to document child progress 52867
using research-based indicators prescribed by the Department and 52868
report results annually. The reporting dates and method shall be 52869
determined by the Department. 52870

Of the foregoing appropriation item 200-540, Special 52871
Education Enhancements, up to \$315,000 in each fiscal year shall 52872
be used for the Collaborative Language and Literacy Instruction 52873
Project. 52874

The remainder of appropriation item 200-540, Special 52875
Education Enhancements, shall be used to fund special education 52876
and related services at county boards of mental retardation and 52877
developmental disabilities for eligible students under section 52878
3317.20 of the Revised Code and at institutions for eligible 52879
students under section 3317.201 of the Revised Code. 52880

Section 269.30.60. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 52881

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, up to \$2,509,152 in fiscal year 2008 and up to \$2,584,427 in fiscal year 2009 shall be used to fund career-technical education units at institutions.

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, up to \$2,621,507 in each fiscal year shall be used by the Department of Education to fund competitive grants to tech prep consortia that expand the number of students enrolled in tech prep programs. These grant funds shall be used to directly support expanded tech prep programs, including equipment, provided to students enrolled in school districts, including joint vocational school districts, and affiliated higher education institutions.

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, up to \$3,401,000 in each fiscal year shall be used by the Department of Education to support existing High Schools That Work (HSTW) sites, develop and support new sites, fund technical assistance, and support regional centers and middle school programs. The purpose of HSTW is to combine challenging academic courses and modern career-technical studies to raise the academic achievement of students. HSTW provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, up to \$466,992 in each fiscal year shall be allocated for the Ohio Career Information System (OCIS) and used for the dissemination of career information data to public schools, libraries, rehabilitation centers, two- and four-year colleges and universities, and other governmental units.

Of the foregoing appropriation item 200-545, Career-Technical Educational Enhancements, up to \$300,000 in each fiscal year shall

be used by the Department of Education to enable students in 52914
agricultural programs to enroll in a fifth quarter of instruction 52915
based on the agricultural education model of delivering work-based 52916
learning through supervised agricultural experience. The 52917
Department of Education shall determine eligibility criteria and 52918
the reporting process for the Agriculture 5th Quarter Project and 52919
shall fund as many programs as possible given the set aside. 52920

Section 269.30.70. FOUNDATION FUNDING 52921

The foregoing appropriation item 200-550, Foundation Funding, 52922
includes \$75,000,000 in each fiscal year for the state education 52923
aid offset due to the change in public utility valuation as a 52924
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 52925
General Assembly. This amount represents the total state education 52926
aid offset due to the valuation change for school districts and 52927
joint vocational school districts from all relevant appropriation 52928
line item sources. Upon certification by the Department of 52929
Education, in consultation with the Department of Taxation, to the 52930
Director of Budget and Management of the actual state aid offset, 52931
the cash transfer from Fund 053, appropriation item 200-900, 52932
School District Property Tax Replacement - Utility, shall be 52933
decreased or increased by the Director of Budget and Management to 52934
match the certification in accordance with section 5727.84 of the 52935
Revised Code. 52936

The foregoing appropriation item 200-550, Foundation Funding, 52937
includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in 52938
fiscal year 2009 for the state education aid offset because of the 52939
changes in tangible personal property valuation as a result of Am. 52940
Sub. H.B. 66 of the 126th General Assembly. This amount represents 52941
the total state education aid offset because of the valuation 52942
change for school districts and joint vocational school districts 52943
from all relevant appropriation item sources. Upon certification 52944

by the Department of Education of the actual state education aid 52945
offset to the Director of Budget and Management, the cash transfer 52946
from Fund 047, appropriation item 200-909, School District 52947
Property Tax Replacement - Business, shall be decreased or 52948
increased by the Director of Budget and Management to match the 52949
certification in accordance with section 5751.21 of the Revised 52950
Code. 52951

Of the foregoing appropriation item 200-550, Foundation 52952
Funding, up to \$425,000 shall be expended in each fiscal year for 52953
court payments under section 2151.357 of the Revised Code; an 52954
amount shall be available in each fiscal year to fund up to 225 52955
full-time equivalent approved GRADS teacher grants under division 52956
(N) of section 3317.024 of the Revised Code; an amount shall be 52957
available in each fiscal year to make payments to school districts 52958
under division (A)(3) of section 3317.022 of the Revised Code; an 52959
amount shall be available in each fiscal year to make payments to 52960
school districts under division (F) of section 3317.022 of the 52961
Revised Code; and up to \$30,000,000 in each fiscal year shall be 52962
reserved for payments under sections 3317.026, 3317.027, and 52963
3317.028 of the Revised Code except that the Controlling Board may 52964
increase the \$30,000,000 amount if presented with such a request 52965
from the Department of Education. 52966

Of the foregoing appropriation item 200-550, Foundation 52967
Funding, up to \$19,770,000 in fiscal year 2008 and up to 52968
\$20,545,200 in fiscal year 2009 shall be used to provide 52969
additional state aid to school districts for special education 52970
students under division (C)(3) of section 3317.022 of the Revised 52971
Code, except that the Controlling Board may increase these amounts 52972
if presented with such a request from the Department of Education 52973
at the final meeting of the fiscal year; up to \$2,000,000 in each 52974
fiscal year shall be reserved for Youth Services tuition payments 52975
under section 3317.024 of the Revised Code; and up to \$52,000,000 52976

in each fiscal year shall be reserved to fund the state 52977
reimbursement of educational service centers under section 3317.11 52978
of the Revised Code and the section of this act entitled 52979
"EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 52980
available for special education weighted funding under division 52981
(C)(1) of section 3317.022 and division (D)(1) of section 3317.16 52982
of the Revised Code. 52983

Of the foregoing appropriation item 200-550, Foundation 52984
Funding, an amount shall be available in each fiscal year to be 52985
used by the Department of Education for transitional aid for 52986
school districts and joint vocational school districts. Funds 52987
shall be distributed under the sections of this act entitled 52988
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 52989
DISTRICTS" and "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 52990
DISTRICTS." 52991

Of the foregoing appropriation item 200-550, Foundation 52992
Funding, up to \$1,000,000 in each fiscal year shall be used by the 52993
Department of Education for a program to pay for educational 52994
services for youth who have been assigned by a juvenile court or 52995
other authorized agency to any of the facilities described in 52996
division (A) of the section of this act entitled "PRIVATE 52997
TREATMENT FACILITY PROJECT." 52998

Of the foregoing appropriation item 200-550, Foundation 52999
Funding, up to \$3,700,000 in each fiscal year shall be used for 53000
school breakfast programs. Of this amount, up to \$900,000 shall be 53001
used in each fiscal year by the Department of Education to 53002
contract with the Children's Hunger Alliance to expand access to 53003
child nutrition programs consistent with the organization's 53004
continued ability to meet specified performance measures as 53005
detailed in the contract. Of this amount, the Children's Hunger 53006
Alliance shall use at least \$150,000 in each fiscal year to 53007
subcontract with an appropriate organization or organizations to 53008

expand summer food participation in underserved areas of the 53009
state, consistent with those organizations' continued ability to 53010
meet specified performance measures as detailed in the 53011
subcontracts. The remainder of the appropriation shall be used to 53012
partially reimburse school buildings within school districts that 53013
are required to have a school breakfast program under section 53014
3313.813 of the Revised Code, at a rate decided by the Department. 53015

Of the foregoing appropriation item 200-550, Foundation 53016
Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 53017
in fiscal year 2009 shall be used to operate the school choice 53018
program in the Cleveland Municipal School District under sections 53019
3313.974 to 3313.979 of the Revised Code. 53020

Of the portion of the funds distributed to the Cleveland 53021
Municipal School District under this section, up to \$11,901,887 in 53022
each fiscal year shall be used to operate the school choice 53023
program in the Cleveland Municipal School District under sections 53024
3313.974 to 3313.979 of the Revised Code. 53025

The remaining portion of appropriation item 200-550, 53026
Foundation Funding, shall be expended for the public schools of 53027
city, local, exempted village, and joint vocational school 53028
districts, including base-cost funding, special education speech 53029
service enhancement funding, career-technical education weight 53030
funding, career-technical education associated service funding, 53031
teacher training and experience funding, charge-off supplement, 53032
and excess cost supplement under sections 3317.022, 3317.023, 53033
3317.0216, and 3317.16 of the Revised Code. 53034

Appropriation items 200-502, Pupil Transportation, 200-521, 53035
Gifted Pupil Program, 200-540, Special Education Enhancements, and 53036
200-550, Foundation Funding, other than specific set-asides, are 53037
collectively used in each fiscal year to pay state formula aid 53038
obligations for school districts and joint vocational school 53039
districts under Chapter 3317. of the Revised Code. The first 53040

priority of these appropriation items, with the exception of 53041
specific set-asides, is to fund state formula aid obligations 53042
under Chapter 3317. of the Revised Code. It may be necessary to 53043
reallocate funds among these appropriation items or use excess 53044
funds from other general revenue fund appropriation items in the 53045
Department of Education's budget in each fiscal year, in order to 53046
meet state formula aid obligations. If it is determined that it is 53047
necessary to transfer funds among these appropriation items or to 53048
transfer funds from other General Revenue Fund appropriations in 53049
the Department of Education's budget to meet state formula aid 53050
obligations, the Department of Education shall seek approval from 53051
the Controlling Board to transfer funds as needed. 53052

Section 269.30.80. TRANSITIONAL AID FOR CITY, LOCAL, AND 53053
EXEMPTED VILLAGE SCHOOL DISTRICTS 53054

(A) The Department of Education shall distribute funds within 53055
appropriation item 200-550, Foundation Funding, for transitional 53056
aid in each fiscal year to each qualifying city, local, and 53057
exempted village school district. 53058

For fiscal years 2008 and 2009, the Department shall pay 53059
transitional aid to each city, local, or exempted village school 53060
district that experiences any decrease in its SF-3 funding for the 53061
current fiscal year from its transitional aid guarantee base for 53062
the current fiscal year. The amount of the transitional aid 53063
payment shall equal the difference between the district's SF-3 53064
funding for the current fiscal year and its transitional aid 53065
guarantee base for the current fiscal year. 53066

(B)(1) Subject to divisions (B)(3) and (4) of this section, 53067
the transitional aid guarantee base for each city, local, and 53068
exempted village school district for fiscal year 2008 equals the 53069
sum of the following as computed for fiscal year 2007, as 53070
determined based on the final reconciliation of data by the 53071

Department:	53072
(a) Base-cost funding under division (A) of section 3317.022 of the Revised Code;	53073 53074
(b) Special education and related services additional weighted funding under division (C)(1) of section 3317.022 of the Revised Code;	53075 53076 53077
(c) Speech services funding under division (C)(4) of section 3317.022 of the Revised Code;	53078 53079
(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;	53080 53081
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;	53082 53083
(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	53084 53085 53086
(g) Poverty-Based Assistance under section 3317.029 of the Revised Code;	53087 53088
(h) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	53089 53090
(i) Transportation under Section 206.09.21 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended;	53091 53092
(j) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	53093 53094
(k) Parity aid under section 3317.0217 of the Revised Code;	53095
(l) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	53096 53097
(m) The charge-off supplement under section 3317.0216 of the Revised Code;	53098 53099
(n) Transitional aid under Section 206.09.39 of Am. Sub. H.B.	53100

66 of the 126th General Assembly, as subsequently amended. 53101

(2) Subject to divisions (B)(3) and (4) of this section, the 53102
transitional aid guarantee base for each city, local, and exempted 53103
village school district for fiscal year 2009 equals the sum of the 53104
following as computed for fiscal year 2008, as determined based on 53105
the final reconciliation of data by the Department: 53106

(a) Base-cost funding under division (A) of section 3317.022 53107
of the Revised Code; 53108

(b) Special education and related services additional 53109
weighted funding under division (C)(1) of section 3317.022 of the 53110
Revised Code; 53111

(c) Speech services funding under division (C)(4) of section 53112
3317.022 of the Revised Code; 53113

(d) Vocational education additional weighted funding under 53114
division (E) of section 3317.022 of the Revised Code; 53115

(e) GRADS funding under division (N) of section 3317.024 of 53116
the Revised Code; 53117

(f) Adjustments for classroom teachers and educational 53118
service personnel under divisions (B), (C), and (D) of section 53119
3317.023 of the Revised Code; 53120

(g) Gifted education units under division (L) of section 53121
3317.024 and section 3317.05 of the Revised Code; 53122

(h) Transportation under the section of this act entitled 53123
"PUPIL TRANSPORTATION"; 53124

(i) The excess cost supplement under division (F) of section 53125
3317.022 of the Revised Code; 53126

(j) The charge-off supplement under section 3317.0216 of the 53127
Revised Code; 53128

(k) Transitional aid under this section. 53129

(3) The SF-3 funding for each fiscal year for each district 53130
is the sum of the amounts specified in divisions (B)(2)(a) to (k) 53131
of this section less any general revenue fund spending reductions 53132
ordered by the Governor under section 126.05 of the Revised Code. 53133

(4) Notwithstanding divisions (B)(1) and (2) of this section, 53134
if the Superintendent of Public Instruction determines that the 53135
transitional aid guarantee base for a given fiscal year reflects 53136
an error in formula ADM, the Superintendent may consult with the 53137
Director of Budget and Management, and then adjust the 53138
transitional aid guarantee base for that fiscal year. 53139

Section 269.30.90. TRANSITIONAL AID FOR JOINT VOCATIONAL 53140
SCHOOL DISTRICTS 53141

(A) The Department of Education shall distribute funds within 53142
appropriation item 200-550, Foundation Funding, for transitional 53143
aid in each fiscal year to each joint vocational school district 53144
that experiences a decrease in its joint vocational funding for 53145
the current fiscal year from the previous fiscal year. The 53146
Department shall distribute to each such district transitional aid 53147
in an amount equal to the decrease in the district's joint 53148
vocational funding from the previous fiscal year. 53149

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 53150
district's joint vocational funding equals the sum of the 53151
following: 53152

(a) Base-cost funding under division (B) of section 3317.16 53153
of the Revised Code; 53154

(b) Special education and related services additional 53155
weighted funding under division (D)(1) of section 3317.16 of the 53156
Revised Code; 53157

(c) Speech services funding under division (D)(2) of section 53158
3317.16 of the Revised Code; 53159

(d) Vocational education additional weighted funding under 53160
division (C) of section 3317.16 of the Revised Code; 53161

(e) GRADS funding under division (N) of section 3317.024 of 53162
the Revised Code. 53163

(2) For purposes of calculating transitional aid for fiscal 53164
year 2008, a district's fiscal year 2007 joint vocational funding 53165
is the sum of the amounts described in divisions (B)(1)(a) to (e) 53166
of this section, plus any transitional aid paid to the district 53167
under Section 206.09.42 of Am. Sub. H.B. 66 of the 126th General 53168
Assembly, as subsequently amended, that the district actually 53169
received for fiscal year 2007, as determined based on the final 53170
reconciliation of data by the Department. For purposes of 53171
calculating transitional aid for fiscal year 2009, a district's 53172
fiscal year 2008 joint vocational funding is the sum of the 53173
amounts described in divisions (B)(1)(a) to (e) of this section, 53174
plus any transitional aid paid to the district under this section, 53175
that the district actually received for fiscal year 2008, as 53176
determined based on the final reconciliation of data by the 53177
Department. 53178

(3) The joint vocational funding for each fiscal year for 53179
each district is the sum of the amounts specified in divisions 53180
(B)(1)(a) to (e) and (B)(2) of this section less any general 53181
revenue fund spending reductions ordered by the Governor under 53182
section 126.05 of the Revised Code. 53183

Section 269.40.10. LITERACY IMPROVEMENT-CLASSROOM GRANTS 53184

The foregoing appropriation item 200-566, Literacy 53185
Improvement-Classroom Grants, shall be disbursed by the Department 53186
of Education to provide reading improvement grants to public 53187
schools in city, local, and exempted village school districts; 53188
community schools; and educational service centers serving 53189

kindergarten through twelfth grade students to help struggling 53190
students improve their reading skills, improve reading outcomes in 53191
low-performing schools, and help close achievement gaps. 53192

VIOLENCE PREVENTION AND SCHOOL SAFETY 53193

Of the foregoing appropriation item 200-578, Violence 53194
Prevention and School Safety, up to \$224,250 in each fiscal year 53195
shall be used to fund a safe school center to provide resources 53196
for parents and for school and law enforcement personnel. 53197

The remainder of the appropriation shall be distributed based 53198
on guidelines developed by the Department of Education to enhance 53199
school safety. The guidelines shall provide a list of 53200
research-based best practices and programs from which local 53201
grantees shall select based on local needs. These practices shall 53202
include, but not be limited to, school resource officers and safe 53203
and drug free school coordinators and social-emotional development 53204
programs. 53205

Section 269.40.20. PROPERTY TAX ALLOCATION - EDUCATION 53206

The Superintendent of Public Instruction shall not request, 53207
and the Controlling Board shall not approve, the transfer of funds 53208
from appropriation item 200-901, Property Tax Allocation - 53209
Education, to any other appropriation item. 53210

The appropriation item 200-901, Property Tax Allocation - 53211
Education, is appropriated to pay for the state's costs incurred 53212
because of the homestead exemption and the property tax rollback. 53213
In cooperation with the Department of Taxation, the Department of 53214
Education shall distribute these funds directly to the appropriate 53215
school districts of the state, notwithstanding sections 321.24 and 53216
323.156 of the Revised Code, which provide for payment of the 53217
homestead exemption and property tax rollback by the Tax 53218
Commissioner to the appropriate county treasurer and the 53219

subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor. 53220
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Appropriation item 200-906, Tangible Tax Exemption - Education, is 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. In cooperation with the Department of Taxation, the Department of Education 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 school districts located in the county, notwithstanding section 321.24 of the Revised Code insofar as it 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. Pursuant to division (G) of section 321.24 of the Revised Code, the county auditor shall distribute the amount paid by the Department of Education among the appropriate school districts. 53222
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Upon receipt of these amounts, each school 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. 53238
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Any sums, in addition to the amounts specifically appropriated in appropriation items 200-901, Property Tax Allocation - Education, for the homestead exemption and the property tax rollback payments, and 200-906, Tangible Tax Exemption - Education, for the \$10,000 tangible personal property tax exemption payments, which are determined to be necessary for these purposes, are hereby appropriated. 53244
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Section 269.40.30. TEACHER CERTIFICATION AND LICENSURE 53251

The foregoing appropriation item 200-681, Teacher 53252
Certification and Licensure, shall be used by the Department of 53253
Education in each year of the biennium to administer and support 53254
teacher certification and licensure activities. 53255

SCHOOL DISTRICT SOLVENCY ASSISTANCE 53256

Of the foregoing appropriation item 200-687, School District 53257
Solvency Assistance, \$9,000,000 in each fiscal year shall be 53258
allocated to the School District Shared Resource Account and 53259
\$9,000,000 in each fiscal year shall be allocated to the 53260
Catastrophic Expenditures Account. These funds shall be used to 53261
provide assistance and grants to school districts to enable them 53262
to remain solvent under section 3316.20 of the Revised Code. 53263
Assistance and grants shall be subject to approval by the 53264
Controlling Board. Any required reimbursements from school 53265
districts for solvency assistance shall be made to the appropriate 53266
account in the School District Solvency Assistance Fund (Fund 53267
5H3). 53268

Notwithstanding any provision of law to the contrary, upon 53269
the request of the Superintendent of Public Instruction, the 53270
Director of Budget and Management may make transfers to the School 53271
District Solvency Assistance Fund (Fund 5H3) from any Department 53272
of Education-administered fund or the General Revenue Fund to 53273
maintain sufficient cash balances in the School District Solvency 53274
Assistance Fund (Fund 5H3) in fiscal years 2008 and 2009. Any 53275
funds transferred are hereby appropriated. The transferred funds 53276
may be used by the Department of Education to provide assistance 53277
and grants to school districts to enable them to remain solvent 53278
and to pay unforeseeable expenses of a temporary or emergency 53279
nature that the school district is unable to pay from existing 53280
resources. The Director of Budget and Management shall notify the 53281

members of the Controlling Board of any such transfers. 53282

Section 269.40.40. READING FIRST 53283

The foregoing appropriation item 200-632, Reading First, 53284
shall be used by school districts to administer federal diagnostic 53285
tests as well as other functions permitted by federal statute. 53286
Notwithstanding section 3301.079 of the Revised Code, federal 53287
diagnostic tests may be recognized as meeting the state diagnostic 53288
testing requirements outlined in section 3301.079 of the Revised 53289
Code. 53290

HALF-MILL MAINTENANCE EQUALIZATION 53291

The foregoing appropriation item 200-626, Half-Mill 53292
Maintenance Equalization, shall be used to make payments pursuant 53293
to section 3318.18 of the Revised Code. 53294

Section 269.40.50. START-UP FUNDS 53295

Funds appropriated for the purpose of providing start-up 53296
grants to Title IV-A Head Start and Title IV-A Head Start Plus 53297
agencies in fiscal year 2004 and fiscal year 2005 for the 53298
provision of services to children eligible for Title IV-A services 53299
under the Title IV-A Head Start or Title IV-A Head Start Plus 53300
programs shall be reimbursed to the General Revenue Fund as 53301
follows: 53302

(A) If, for fiscal year 2008, an entity that was a Title IV-A 53303
Head Start or Title IV-A Head Start Plus agency will not be an 53304
early learning agency or early learning provider, the entity shall 53305
repay the entire amount of the start-up grant it received in 53306
fiscal year 2004 and fiscal year 2005 not later than June 30, 53307
2009, in accordance with a payment schedule agreed to by the 53308
Department of Education. 53309

(B) If an entity that was a Title IV-A Head Start or Title 53310

IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 53311
2005 will be an early learning agency or early learning provider 53312
in fiscal year 2008 and fiscal year 2009, the entity shall be 53313
allowed to retain any amount of the start-up grant it received. 53314

(C) Within ninety days after the effective date of this 53315
section, the Title IV-A Head Start agencies, Title IV-A Head Start 53316
Plus agencies, and the Department of Education shall determine the 53317
repayment schedule for amounts owed under division (A) of this 53318
section. These amounts shall be paid to the state not later than 53319
June 30, 2009. 53320

(D) If an entity that was a Title IV-A Head Start or Title 53321
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 53322
2005 owed the state any portion of the start-up grant amount 53323
during fiscal year 2006 or fiscal year 2007 but failed to repay 53324
the entire amount of the obligation by June 30, 2007, the entity 53325
shall be given an extension for repayment through June 30, 2009, 53326
before any amounts remaining due and payable to the state are 53327
referred to the Attorney General for collection under section 53328
131.02 of the Revised Code. 53329

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 53330
start-up grants that are retained by early learning agencies or 53331
early learning providers pursuant to this section shall be 53332
reimbursed to the General Revenue Fund when the early learning 53333
program ceases or is no longer funded from Title IV-A or if an 53334
early learning agency's or early learning provider's participation 53335
in the early learning program ceases or is terminated. 53336

Section 269.40.60. AUXILIARY SERVICES REIMBURSEMENT 53337

Notwithstanding section 3317.064 of the Revised Code, if the 53338
unobligated cash balance is sufficient, the Treasurer of State 53339
shall transfer \$1,500,000 in fiscal year 2008 within thirty days 53340
after the effective date of this section, and \$1,500,000 in fiscal 53341

year 2009 by August 1, 2008, from the Auxiliary Services Personnel 53342
Unemployment Compensation Fund to the Department of Education's 53343
Auxiliary Services Reimbursement Fund (Fund 598). 53344

Section 269.40.70. LOTTERY PROFITS EDUCATION FUND 53345

Appropriation item 200-612, Foundation Funding (Fund 017), 53346
shall be used in conjunction with appropriation item 200-550, 53347
Foundation Funding (GRF), to provide payments to school districts 53348
under Chapter 3317. of the Revised Code. 53349

The Department of Education, with the approval of the 53350
Director of Budget and Management, shall determine the monthly 53351
distribution schedules of appropriation item 200-550, Foundation 53352
Funding (GRF), and appropriation item 200-612, Foundation Funding 53353
(Fund 017). If adjustments to the monthly distribution schedule 53354
are necessary, the Department of Education shall make such 53355
adjustments with the approval of the Director of Budget and 53356
Management. 53357

The Director of Budget and Management shall transfer via 53358
intrastate transfer voucher the amount appropriated under the 53359
Lottery Profits Education Fund for appropriation item 200-682, 53360
Lease Rental Payment Reimbursement, to the General Revenue Fund on 53361
a schedule determined by the director. These funds shall support 53362
the appropriation item 230-428, Lease Rental Payments (GRF), of 53363
the School Facilities Commission. 53364

Section 269.40.80. LOTTERY PROFITS EDUCATION RESERVE FUND 53365

(A) There is hereby created the Lottery Profits Education 53366
Reserve Fund (Fund 018) in the State Treasury. Investment earnings 53367
of the Lottery Profits Education Reserve Fund shall be credited to 53368
the fund. The Superintendent of Public Instruction may certify 53369
cash balances exceeding \$75,000,000 in the Lottery Profits 53370
Education Reserve Fund (Fund 018) to the Director of Budget and 53371

Management in June of any given fiscal year. Prior to making the 53372
certification, the Superintendent of Public Instruction shall 53373
determine whether the funds above the \$75,000,000 threshold are 53374
needed to help pay for foundation program obligations for that 53375
fiscal year under Chapter 3317. of the Revised Code. If those 53376
funds are needed for the foundation program, the Superintendent of 53377
Public Instruction shall notify and consult with the Director of 53378
Budget and Management to determine the amount that may be 53379
transferred to the Public School Building Fund (Fund 021). Upon 53380
this determination, the Director of Budget and Management shall 53381
transfer the amount from the Lottery Profits Education Reserve 53382
Fund (Fund 018) to the Public School Building Fund (Fund 021). The 53383
amount transferred is hereby appropriated to appropriation item 53384
CAP-622, Public School Buildings. 53385

For fiscal years 2008 and 2009, notwithstanding any 53386
provisions of law to the contrary, amounts necessary to make loans 53387
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 53388
Revised Code are hereby appropriated to the Lottery Profits 53389
Education Reserve Fund (Fund 018). Loan repayments from loans made 53390
in previous years shall be deposited to the fund. 53391

(B) On July 15, 2007, or as soon as possible thereafter, the 53392
Director of the Ohio Lottery Commission shall certify to the 53393
Director of Budget and Management the amount by which lottery 53394
profit transfers received by the Lottery Profits Education Fund 53395
(Fund 017) exceeded \$637,900,000 in fiscal year 2007. The Director 53396
of Budget and Management shall transfer the amount so certified, 53397
plus the cash balance in Fund 017, to the General Revenue Fund to 53398
support appropriation item 200-550, Foundation Funding. 53399

(C) On July 15, 2008, or as soon as possible thereafter, the 53401
Director of the Ohio Lottery Commission shall certify to the 53402
Director of Budget and Management the amount by which lottery 53403

profit transfers received by the Lottery Profits Education Fund 53404
(Fund 017) exceeded \$657,900,000 in fiscal year 2008. The Director 53405
of Budget and Management may transfer the amount so certified, 53406
plus the cash balance in Fund 017, to the Lottery Profits 53407
Education Reserve Fund (Fund 018) or to the General Revenue Fund 53408
to support appropriation item 200-550, Foundation Funding. 53409

(D) Any amounts transferred under division (B) or (C) of this 53410
section may be made available by the Controlling Board in fiscal 53411
years 2008 or 2009, at the request of the Superintendent of Public 53412
Instruction, to provide assistance and grants to school districts 53413
to enable them to remain solvent and to pay unforeseeable expenses 53414
of a temporary or emergency nature that they are unable to pay 53415
from existing resources under section 3316.20 of the Revised Code, 53416
and to provide payments to school districts under Chapter 3317. of 53417
the Revised Code. 53418

Section 269.40.90. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 53419
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 047) 53420

Notwithstanding any provision of law to the contrary, in 53421
fiscal year 2008 and fiscal year 2009 the Director of Budget and 53422
Management may make temporary transfers between the General 53423
Revenue Fund and the School District Property Tax Replacement - 53424
Business Fund (Fund 047) in the Department of Education to ensure 53425
sufficient balances in the School District Property Tax 53426
Replacement - Business Fund (Fund 047) and to replenish the 53427
General Revenue Fund for such transfers. 53428

Section 269.50.10. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 53429
BUSINESS 53430

The foregoing appropriation item, 200-909, School District 53431
Property Tax Replacement - Business, in Fund 047, shall be used by 53432
the Department of Education, in consultation with the Department 53433

of Taxation, to make payments to school districts and joint 53434
vocational school districts under section 5751.21 of the Revised 53435
Code. If it is determined by the Director of Budget and Management 53436
that additional appropriations are necessary for this purpose, 53437
such amounts are hereby appropriated. 53438

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 53439

The foregoing appropriation item 200-900, School District 53440
Property Tax Replacement-Utility, in Fund 053, shall be used by 53441
the Department of Education, in consultation with the Department 53442
of Taxation, to make payments to school districts and joint 53443
vocational school districts under section 5727.85 of the Revised 53444
Code. 53445

***Section 269.50.20. DISTRIBUTION FORMULAS** 53446

The Department of Education shall report the following to the 53447
Director of Budget and Management and the Legislative Service 53448
Commission: 53449

(A) Changes in formulas for distributing state 53450
appropriations, including administratively defined formula 53451
factors; 53452

(B) Discretionary changes in formulas for distributing 53453
federal appropriations; 53454

(C) Federally mandated changes in formulas for distributing 53455
federal appropriations. 53456

Any such changes shall be reported two weeks prior to the 53457
effective date of the change. 53458

Section 269.50.30. EDUCATIONAL SERVICE CENTERS FUNDING 53459

(A) As used in this section: 53460

(1) "Internet- or computer-based community school" has the 53461

same meaning as in section 3314.02 of the Revised Code. 53462

(2) "Service center ADM" has the same meaning as in section 53463
3317.11 of the Revised Code. 53464

(B) Notwithstanding division (F) of section 3317.11 of the 53465
Revised Code, no funds shall be provided under that division to an 53466
educational service center in either fiscal year for any pupils of 53467
a city or exempted village school district unless an agreement to 53468
provide services under section 3313.843 of the Revised Code was 53469
entered into by January 1, 1997, except that funds shall be 53470
provided to an educational service center for any pupils of a city 53471
school district if the agreement to provide services was entered 53472
into within one year of the date upon which such district changed 53473
from a local school district to a city school district. 53474

(C) Notwithstanding any provision of the Revised Code to the 53475
contrary, an educational service center that sponsors a community 53476
school under Chapter 3314. of the Revised Code in either fiscal 53477
year may include the students of that community school in its 53478
service center ADM for purposes of state funding under division 53479
(F) of section 3317.11 of the Revised Code, unless the community 53480
school is an Internet- or computer-based community school. A 53481
service center shall include the community school students in its 53482
service center ADM only to the extent that the students are not 53483
already so included, and only in accordance with guidelines issued 53484
by the Department of Education. If the students of a community 53485
school sponsored by an educational service center are included in 53486
the service center ADM of another educational service center, 53487
those students shall be removed from the service center ADM of the 53488
other educational service center and added to the service center 53489
ADM of the community school's sponsoring service center. The 53490
General Assembly authorizes this procedure as an incentive for 53491
educational service centers to take over sponsorship of community 53492
schools from the State Board of Education as the State Board's 53493

sponsorship is phased out in accordance with Sub. H.B. 364 of the 124th General Assembly. No student of an Internet- or 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 2008 or fiscal year 2009, the Department shall prioritize the distribution of the earmarked funds as follows:

(1) The Department shall first distribute to each educational service center the per-student amount specified in division (F) of section 3317.11 of the Revised Code for each student in its service center ADM attributable to the local school districts within the service center's territory.

(2) The Department shall distribute the remaining funds in each fiscal year to each educational service center for the 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 53526
distribute the remaining funds to each service center 53527
proportionally, on a per-student basis for each such student, 53528
unless that proportional per-student amount exceeds the amount 53529
specified in division (F)(1) of that section. In that case, the 53530
Department shall distribute the per-student amount specified in 53531
division (F)(1) of that section to each service center for each 53532
such student and shall distribute the remainder proportionally, on 53533
a per-student basis for each such student, to the multi-county 53534
service centers described in division (F)(2) of that section. 53535

(3) If the Department has paid each service center under 53536
divisions (D)(1) and (2) of this section, the full amount 53537
specified in division (F) of section 3317.11 of the Revised Code 53538
for each student attributable to its local school districts and 53539
its client school districts described in division (D)(2) of this 53540
section the Department shall distribute any remaining funds 53541
proportionally, on a per-student basis, to each service center 53542
that sponsors a community school, other than an Internet- or 53543
computer-based community school, for the students included in the 53544
service center ADM under division (C) of this section. These 53545
payments shall not exceed per student the amount specified in 53546
division (F) of section 3317.11 of the Revised Code. 53547

***Section 269.50.40.** For the school year commencing July 1, 53548
2007, or the school year commencing July 1, 2008, or both, the 53549
Superintendent of Public Instruction may waive for the board of 53550
education of any school district the ratio of teachers to pupils 53551
in kindergarten through fourth grade required under paragraph 53552
(A)(3) of rule 3301-35-05 of the Administrative Code if the 53553
following conditions apply: 53554

(A) The board of education requests the waiver. 53555

(B) After the Department of Education conducts an on-site 53556

evaluation of the district related to meeting the required ratio, 53557
the board of education demonstrates to the satisfaction of the 53558
Superintendent of Public Instruction that providing the facilities 53559
necessary to meet the required ratio during the district's regular 53560
school hours with pupils in attendance would impose an extreme 53561
hardship on the district. 53562

(C) The board of education provides assurances that are 53563
satisfactory to the Superintendent of Public Instruction that the 53564
board will act in good faith to meet the required ratio as soon as 53565
possible. 53566

Section 269.50.50. PRIVATE TREATMENT FACILITY PROJECT 53567

(A) As used in this section: 53568

(1) The following are "participating residential treatment 53569
centers": 53570

(a) Private residential treatment facilities that have 53571
entered into a contract with the Department of Youth Services to 53572
provide services to children placed at the facility by the 53573
Department and which, in fiscal year 2008 or fiscal year 2009 or 53574
both, the Department pays through appropriation item 470-401, Care 53575
and Custody; 53576

(b) Abraxas, in Shelby; 53577

(c) Paint Creek, in Bainbridge; 53578

(d) Act One, in Akron; 53579

(e) Friars Club, in Cincinnati. 53580

(2) "Education program" means an elementary or secondary 53581
education program or a special education program and related 53582
services. 53583

(3) "Served child" means any child receiving an education 53584
program pursuant to division (B) of this section. 53585

(4) "School district responsible for tuition" means a city, 53586
exempted village, or local school district that, if tuition 53587
payment for a child by a school district is required under law 53588
that existed in fiscal year 1998, is the school district required 53589
to pay that tuition. 53590

(5) "Residential child" means a child who resides in a 53591
participating residential treatment center and who is receiving an 53592
educational program under division (B) of this section. 53593

(B) A youth who is a resident of the state and has been 53594
assigned by a juvenile court or other authorized agency to a 53595
residential treatment facility specified in division (A) of this 53596
section shall be enrolled in an approved educational program 53597
located in or near the facility. Approval of the educational 53598
program shall be contingent upon compliance with the criteria 53599
established for such programs by the Department of Education. The 53600
educational program shall be provided by a school district or 53601
educational service center, or by the residential facility itself. 53602
Maximum flexibility shall be given to the residential treatment 53603
facility to determine the provider. In the event that a voluntary 53604
agreement cannot be reached and the residential facility does not 53605
choose to provide the educational program, the educational service 53606
center in the county in which the facility is located shall 53607
provide the educational program at the treatment center to 53608
children under twenty-two years of age residing in the treatment 53609
center. 53610

(C) Any school district responsible for tuition for a 53611
residential child shall, notwithstanding any conflicting provision 53612
of the Revised Code regarding tuition payment, pay tuition for the 53613
child for fiscal year 2008 and fiscal year 2009 to the education 53614
program provider and in the amount specified in this division. If 53615
there is no school district responsible for tuition for a 53616
residential child and if the participating residential treatment 53617

center to which the child is assigned is located in the city, 53618
exempted village, or local school district that, if the child were 53619
not a resident of that treatment center, would be the school 53620
district where the child is entitled to attend school under 53621
sections 3313.64 and 3313.65 of the Revised Code, that school 53622
district, notwithstanding any conflicting provision of the Revised 53623
Code, shall pay tuition for the child for fiscal year 2008 and 53624
fiscal year 2009 under this division unless that school district 53625
is providing the educational program to the child under division 53626
(B) of this section. 53627

A tuition payment under this division shall be made to the 53628
school district, educational service center, or residential 53629
treatment facility providing the educational program to the child. 53630

The amount of tuition paid shall be: 53631

(1) The amount of tuition determined for the district under 53632
division (A) of section 3317.08 of the Revised Code; 53633

(2) In addition, for any student receiving special education 53634
pursuant to an individualized education program as defined in 53635
section 3323.01 of the Revised Code, a payment for excess costs. 53636
This payment shall equal the actual cost to the school district, 53637
educational service center, or residential treatment facility of 53638
providing special education and related services to the student 53639
pursuant to the student's individualized education program, minus 53640
the tuition paid for the child under division (C)(1) of this 53641
section. 53642

A school district paying tuition under this division shall 53643
not include the child for whom tuition is paid in the district's 53644
average daily membership certified under division (A) of section 53645
3317.03 of the Revised Code. 53646

(D) In each of fiscal years 2008 and 2009, the Department of 53647
Education shall reimburse, from appropriations made for the 53648

purpose, a school district, educational service center, or 53649
residential treatment facility, whichever is providing the 53650
service, that has demonstrated that it is in compliance with the 53651
funding criteria for each served child for whom a school district 53652
must pay tuition under division (C) of this section. The amount of 53653
the reimbursement shall be the formula amount specified in section 53654
3317.022 of the Revised Code, except that the department shall 53655
proportionately reduce this reimbursement if sufficient funds are 53656
not available to pay this amount to all qualified providers. 53657

(E) Funds provided to a school district, educational service 53658
center, or residential treatment facility under this section shall 53659
be used to supplement, not supplant, funds from other public 53660
sources for which the school district, service center, or 53661
residential treatment facility is entitled or eligible. 53662

(F) The Department of Education shall track the utilization 53663
of funds provided to school districts, educational service 53664
centers, and residential treatment facilities under this section 53665
and monitor the effect of the funding on the educational programs 53666
they provide in participating residential treatment facilities. 53667
The department shall monitor the programs for educational 53668
accountability. 53669

Section 269.50.60. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 53670
ASSESSMENT OF EDUCATION PROGRESS 53671

The General Assembly intends for the Superintendent of Public 53672
Instruction to provide for school district participation in the 53673
administration of the National Assessment of Education Progress in 53674
accordance with section 3301.27 of the Revised Code. Each school 53675
and school district selected for participation by the 53676
Superintendent of Public Instruction shall participate. 53677

Section 269.50.70. DEPARTMENT OF EDUCATION APPROPRIATION 53678

TRANSFERS FOR STUDENT ASSESSMENT 53679

In fiscal year 2008 and fiscal year 2009, if the 53680
Superintendent of Public Instruction determines that additional 53681
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 53682
of the 125th General Assembly and this act for assessments of 53683
student performance, the Superintendent of Public Instruction may 53684
recommend the reallocation of unspent and unencumbered 53685
appropriations within the Department of Education to the General 53686
Revenue Fund appropriation item 200-437, Student Assessment, to 53687
the Director of Budget and Management. If the Director of Budget 53688
and Management determines that such a reallocation is required, 53689
the Director of Budget and Management may transfer unspent and 53690
unencumbered funds within the Department of Education as necessary 53691
to appropriation item 200-437, Student Assessment. If these 53692
unspent and unencumbered funds are not sufficient to fully fund 53693
the assessment requirements in fiscal year 2008 or fiscal year 53694
2009, the Superintendent of Public Instruction may request that 53695
the Controlling Board transfer up to \$9,000,000 cash from the 53696
Lottery Profits Education Reserve Fund (Fund 018) to the General 53697
Revenue Fund and appropriate these transferred funds to 53698
appropriation item 200-437, Student Assessment. 53699

Section 269.50.80. (A) As used in this section: 53700

(1) "IEP" has the same meaning as in section 3314.08 of the 53701
Revised Code. 53702

(2) "SBH student" means a student receiving special education 53703
and related services for severe behavior handicap conditions 53704
pursuant to an IEP. 53705

(B) This section applies only to a community school 53706
established under Chapter 3314. of the Revised Code that in each 53707
of fiscal years 2008 and 2009 enrolls a number of SBH students 53708

equal to at least fifty per cent of the total number of students 53709
enrolled in the school in the applicable fiscal year. 53710

(C) In addition to any payments made under section 3314.08 of 53711
the Revised Code, in each of fiscal years 2008 and 2009, the 53712
Department of Education shall pay to a community school to which 53713
this section applies a subsidy equal to the difference between the 53714
aggregate amount calculated and paid in that fiscal year to the 53715
community school for special education and related services 53716
additional weighted costs for the SBH students enrolled in the 53717
school and the aggregate amount that would have been calculated 53718
for the school for special education and related services 53719
additional weighted costs for those same students in fiscal year 53720
2001. If the difference is a negative number, the amount of the 53721
subsidy shall be zero. 53722

(D) The amount of any subsidy paid to a community school 53723
under this section shall not be deducted from the school district 53724
in which any of the students enrolled in the community school are 53725
entitled to attend school under section 3313.64 or 3313.65 of the 53726
Revised Code. The amount of any subsidy paid to a community school 53727
under this section shall be paid from funds appropriated to the 53728
Department of Education in appropriation item 200-550, Foundation 53729
Funding. 53730

Section 269.50.90. EARMARK ACCOUNTABILITY 53731

At the request of the Superintendent of Public Instruction, 53732
any entity that receives a budget earmark under the Department of 53733
Education shall submit annually to the chairpersons of the 53734
committees of the House of Representatives and the Senate 53735
primarily concerned with education and to the Department of 53736
Education a report that includes a description of the services 53737
supported by the funds, a description of the results achieved by 53738
those services, an analysis of the effectiveness of the program, 53739

and an opinion as to the program's applicability to other school 53740
districts. For an earmarked entity that received state funds from 53741
an earmark in the prior fiscal year, no funds shall be provided by 53742
the Department of Education to an earmarked entity for a fiscal 53743
year until its report for the prior fiscal year has been 53744
submitted. 53745

Section 269.60.10. No community school established under 53746
Chapter 3314. of the Revised Code that was not open for operation 53747
as of May 1, 2005, shall operate from a home, as defined in 53748
section 3313.64 of the Revised Code. 53749

Section 269.60.20. Not later than December 31, 2008, the 53750
State Board of Education shall adopt the most recent standards for 53751
physical education in grades kindergarten through twelve developed 53752
by the National Association for Sport and Physical Education. The 53753
Superintendent of Public Instruction shall appoint a physical 53754
education coordinator, who shall provide guidance and oversight 53755
for school districts in following the physical education 53756
standards, in addition to performing other duties assigned by the 53757
Superintendent. The Superintendent shall determine that the person 53758
appointed as coordinator is qualified for the position, as 53759
demonstrated by possessing an adequate combination of education, 53760
licensure, and experience. The Superintendent shall allocate money 53761
from the Department of Education's existing appropriations to pay 53762
the cost of the position of the physical education coordinator. 53763

The Department shall transmit the physical education 53764
standards, and information regarding revisions to the standards, 53765
to school districts in electronic form. If the Department is 53766
unable to transmit the information in electronic form, the 53767
Department shall use any other reasonable means of transmitting 53768
the information that requires the least expense. 53769

Nothing in this section requires any school district to 53770
adopt, utilize, or meet all or any part of the physical education 53771
standards adopted under this section. 53772

Section 269.60.30. PLAN TO MOVE ADULT EDUCATION PROGRAMS TO 53773
BOARD OF REGENTS 53774

The Department of Education shall work collaboratively with 53775
the Board of Regents and the Governor's Workforce Policy Board to 53776
develop a plan that moves the adult education and career programs 53777
from the Department of Education to the Board of Regents for the 53778
purpose of improving education and technical skills for adult 53779
learners through enhanced course offerings and training 53780
opportunities. The plan shall be submitted to the Governor by 53781
November 30, 2007. The movement of adult education and career 53782
programs from the Department of Education to the Board of Regents 53783
shall occur by July 1, 2008. 53784

On or after July 1, 2008, notwithstanding any provision of 53785
law to the contrary, the Director of Budget and Management may 53786
take the actions described in this section made necessary by the 53787
movement of adult education and career programs from the 53788
Department of Education to the Board of Regents. These actions may 53789
include budget changes made necessary by administrative 53790
reorganization, program transfers, the creation of new funds, the 53791
creation of new appropriation items, and the consolidation of 53792
funds. The Director may transfer cash balances between funds as 53793
needed. At the request of the Director, the Superintendent of 53794
Public Instruction shall certify to the Director an estimate of 53795
the amount of the cash balance to be transferred to the receiving 53796
fund. The Director may transfer the estimated amount to the Board 53797
of Regents when needed to make payments. Not more than thirty days 53798
after certifying the estimated amount, the Superintendent of 53799
Public Instruction shall certify the final amount to the Director. 53800

The Director then shall transfer the difference between any amount 53801
 previously transferred and the certified final amount. The 53802
 Director may cancel encumbrances and re-establish encumbrances or 53803
 parts of encumbrances as needed in the appropriate fund and 53804
 appropriation item for the same purpose and to the same vendor. 53805
 The funds necessary to re-establish those encumbrances in a 53806
 different fund or appropriation item within or between the Board 53807
 of Regents and the Department of Education are hereby 53808
 appropriated. The Director shall reduce each year's appropriation 53809
 balances by the amount of the encumbrances canceled in their 53810
 respective funds and appropriation items. Any fiscal year 2008 53811
 unencumbered or unallocated appropriation balances may be 53812
 transferred to the appropriate item to be used for the same 53813
 purposes, as determined by the Director. 53814

Section 271.10. ELC OHIO ELECTIONS COMMISSION 53815

General Revenue Fund 53816
 GRF 051-321 Operating Expenses \$ 411,623 \$ 423,975 53817
 TOTAL GRF General Revenue Fund \$ 411,623 \$ 423,975 53818
 General Services Fund Group 53819
 4P2 051-601 Ohio Elections 53820
 Commission Fund \$ 255,000 \$ 255,000 53821
 TOTAL GSF General Services Fund \$ 255,000 \$ 255,000 53822
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 666,623 \$ 678,975 53823

Section 273.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 53825

DIRECTORS 53826
 General Services Fund Group 53827
 4K9 881-609 Operating Expenses \$ 628,641 \$ 646,602 53828
 TOTAL GSF General Services 53829
 Fund Group \$ 628,641 \$ 646,602 53830

TOTAL ALL BUDGET FUND GROUPS \$ 628,641 \$ 646,602 53831

Section 275.10. PAY EMPLOYEE BENEFITS FUNDS 53833

Accrued Leave Liability Fund Group 53834

806 995-666 Accrued Leave Fund \$ 69,584,560 \$ 76,038,787 53835

807 995-667 Disability Fund \$ 40,104,713 \$ 39,309,838 53836

TOTAL ALF Accrued Leave Liability 53837

Fund Group \$ 109,689,273 \$ 115,348,625 53838

Agency Fund Group 53839

124 995-673 Payroll Deductions \$ 2,125,000,000 \$ 2,175,000,000 53840

808 995-668 State Employee Health \$ 499,240,000 \$ 550,922,742 53841

Benefit Fund

809 995-669 Dependent Care \$ 2,969,635 \$ 2,969,635 53842

Spending Account

810 995-670 Life Insurance \$ 2,113,589 \$ 2,229,834 53843

Investment Fund

811 995-671 Parental Leave Benefit \$ 3,994,806 \$ 4,234,495 53844

Fund

813 995-672 Health Care Spending \$ 12,000,000 \$ 12,000,000 53845

Account

TOTAL AGY Agency Fund Group \$ 2,645,318,030 \$ 2,747,356,706 53846

TOTAL ALL BUDGET FUND GROUPS \$ 2,755,007,303 \$ 2,862,705,331 53847

ACCRUED LEAVE LIABILITY FUND 53848

The foregoing appropriation item 995-666, Accrued Leave Fund, 53849

shall be used to make payments from the Accrued Leave Liability 53850

Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 53851

If it is determined by the Director of Budget and Management that 53852

additional amounts are necessary, the amounts are appropriated. 53853

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 53854

The foregoing appropriation item 995-667, Disability Fund, 53855

shall be used to make payments from the State Employee Disability 53856

Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.

PAYROLL WITHHOLDING FUND

The foregoing appropriation item 995-673, 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.

STATE EMPLOYEE HEALTH BENEFIT FUND

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.

DEPENDENT CARE SPENDING ACCOUNT

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.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995-670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 810) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director

of Budget and Management that additional amounts are necessary, 53887
the amounts are appropriated. 53888

PARENTAL LEAVE BENEFIT FUND 53889

The foregoing appropriation item 995-671, Parental Leave 53890
Benefit Fund, shall be used to make payments from the Parental 53891
Leave Benefit Fund (Fund 811) to employees eligible for parental 53892
leave benefits pursuant to section 124.137 of the Revised Code. If 53893
it is determined by the Director of Budget and Management that 53894
additional amounts are necessary, the amounts are appropriated. 53895

HEALTH CARE SPENDING ACCOUNT 53896

There is hereby established in the State Treasury the Health 53897
Care Spending Account Fund (Fund 813). The foregoing appropriation 53898
item 995-672, Health Care Spending Account, shall be used to make 53899
payments from the fund. The fund shall be under the supervision of 53900
the Department of Administrative Services and shall be used to 53901
make payments pursuant to state employees' participation in a 53902
flexible spending account for non-reimbursed health care expenses 53903
and pursuant to Section 125 of the Internal Revenue Code. All 53904
income derived from the investment of the fund shall accrue to the 53905
fund. If it is determined by the Director of Administrative 53906
Services that additional appropriation amounts are necessary, the 53907
Director of Administrative Services may request that the Director 53908
of Budget and Management increase such amounts. Such amounts are 53909
hereby appropriated. 53910

At the request of the Director of Administrative Services, 53911
the Director of Budget and Management shall transfer up to 53912
\$145,000 from the General Revenue Fund to the Health Care Spending 53913
Account Fund during fiscal years 2008 and 2009. This cash shall be 53914
transferred as needed to provide adequate cash flow for the Health 53915
Care Spending Account Fund during fiscal year 2008 and fiscal year 53916
2009. If funds are available at the end of fiscal years 2008 and 53917

2009, the Director of Budget and Management shall transfer cash up 53918
to the amount previously transferred in the respective year, plus 53919
interest income, back from the Health Care Spending Account (Fund 53920
813) to the General Revenue Fund. 53921

Section 277.10. ERB STATE EMPLOYMENT RELATIONS BOARD 53922

General Revenue Fund 53923

GRF 125-321 Operating Expenses \$ 3,258,803 \$ 3,382,847 53924

TOTAL GRF General Revenue Fund \$ 3,258,803 \$ 3,382,847 53925

General Services Fund Group 53926

572 125-603 Training and \$ 75,541 \$ 75,541 53927

Publications

TOTAL GSF General Services 53928

Fund Group \$ 75,541 \$ 75,541 53929

TOTAL ALL BUDGET FUND GROUPS \$ 3,334,344 \$ 3,458,388 53930

Section 279.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 53932

General Services Fund Group 53933

4K9 892-609 Operating Expenses \$ 1,058,881 \$ 1,058,881 53934

TOTAL GSF General Services 53935

Fund Group \$ 1,058,881 \$ 1,058,881 53936

TOTAL ALL BUDGET FUND GROUPS \$ 1,058,881 \$ 1,058,881 53937

Section 281.10. EPA ENVIRONMENTAL PROTECTION AGENCY 53939

General Services Fund Group 53940

199 715-602 Laboratory Services \$ 1,158,574 \$ 1,173,574 53941

219 715-604 Central Support \$ 16,474,276 \$ 17,000,962 53942

Indirect

4A1 715-640 Operating Expenses \$ 3,369,731 \$ 3,369,731 53943

TOTAL GSF General Services 53944

Fund Group \$ 21,002,581 \$ 21,544,267 53945

Federal Special Revenue Fund Group 53946

3BU	715-684	Water Quality Protection	\$	6,515,000	\$	6,310,000	53947
3F2	715-630	Revolving Loan Fund - Operating	\$	563,536	\$	775,600	53948
3F3	715-632	Federally Supported Cleanup and Response	\$	2,550,000	\$	2,550,000	53949
3F5	715-641	Nonpoint Source Pollution Management	\$	7,550,000	\$	7,595,000	53950
3K4	715-634	DOD Monitoring and Oversight	\$	858,250	\$	898,825	53951
3N4	715-657	DOE Monitoring and Oversight	\$	1,071,678	\$	1,110,270	53952
3T3	715-669	Drinking Water SRF	\$	2,843,923	\$	2,977,998	53953
3V7	715-606	Agencywide Grants	\$	500,000	\$	500,000	53954
353	715-612	Public Water Supply	\$	3,388,619	\$	3,388,618	53955
354	715-614	Hazardous Waste Management - Federal	\$	4,203,891	\$	4,203,891	53956
357	715-619	Air Pollution Control - Federal	\$	6,823,949	\$	6,823,950	53957
362	715-605	Underground Injection Control - Federal	\$	111,874	\$	111,874	53958
TOTAL FED Federal Special Revenue							53959
Fund Group			\$	36,980,720	\$	37,246,026	53960
State Special Revenue Fund Group							53961
4J0	715-638	Underground Injection Control	\$	458,418	\$	458,418	53962
4K2	715-648	Clean Air - Non Title V	\$	3,690,821	\$	4,066,558	53963
4K3	715-649	Solid Waste	\$	13,932,845	\$	14,282,845	53964
4K4	715-650	Surface Water Protection	\$	12,685,000	\$	13,815,000	53965
4K5	715-651	Drinking Water Protection	\$	8,169,553	\$	8,867,732	53966

4P5	715-654	Cozart Landfill	\$	149,728	\$	149,728	53967
4R5	715-656	Scrap Tire Management	\$	6,000,000	\$	6,000,000	53968
4R9	715-658	Voluntary Action Program	\$	1,032,098	\$	1,032,098	53969
4T3	715-659	Clean Air - Title V Permit Program	\$	18,924,098	\$	18,833,584	53970
4U7	715-660	Construction & Demolition Debris	\$	881,561	\$	881,561	53971
5BC	715-617	Clean Ohio	\$	741,646	\$	741,646	53972
5BC	715-622	Local Air Pollution Control	\$	1,026,369	\$	1,026,369	53973
5BC	715-624	Surface Water	\$	8,797,413	\$	8,797,413	53974
5BC	715-667	Groundwater	\$	1,093,741	\$	1,093,741	53975
5BC	715-672	Air Pollution Control	\$	5,199,290	\$	5,199,290	53976
5BC	715-673	Drinking Water	\$	2,550,250	\$	2,550,250	53977
5BC	715-675	Hazardous Waste	\$	100,847	\$	100,847	53978
5BC	715-676	Assistance and Prevention	\$	700,302	\$	700,302	53979
5BC	715-677	Laboratory	\$	1,216,333	\$	1,216,333	53980
5BC	715-678	Corrective Actions	\$	1,179,775	\$	1,179,775	53981
5BT	715-679	C&DD Groundwater Monitoring	\$	571,560	\$	693,267	53982
5BY	715-681	Auto Emissions Test	\$	14,817,105	\$	15,057,814	53983
5CD	715-682	Clean Diesel School Buses	\$	600,000	\$	600,000	53984
5DW	715-683	Automotive Mercury Switch Program	\$	60,000	\$	60,000	53985
5H4	715-664	Groundwater Support	\$	2,503,933	\$	2,715,340	53986
5N2	715-613	Dredge and Fill	\$	30,000	\$	30,000	53987
500	715-608	Immediate Removal Special Account	\$	557,257	\$	573,903	53988
503	715-621	Hazardous Waste Facility Management	\$	11,711,473	\$	12,200,240	53989

505	715-623	Hazardous Waste Cleanup	\$	13,333,179	\$	14,147,498	53990
505	715-674	Clean Ohio Environmental Review	\$	109,725	\$	109,725	53991
541	715-670	Site Specific Cleanup	\$	34,650	\$	34,650	53992
542	715-671	Risk Management Reporting	\$	146,188	\$	146,188	53993
592	715-627	Anti Tampering Settlement	\$	9,707	\$	9,707	53994
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000	53995
602	715-626	Motor Vehicle Inspection and Maintenance	\$	157,697	\$	128,876	53996
644	715-631	ER Radiological Safety	\$	286,114	\$	286,114	53997
660	715-629	Infectious Waste Management	\$	100,000	\$	100,000	53998
676	715-642	Water Pollution Control Loan Administration	\$	4,964,625	\$	4,964,625	53999
678	715-635	Air Toxic Release	\$	210,622	\$	210,622	54000
679	715-636	Emergency Planning	\$	2,628,647	\$	2,628,647	54001
696	715-643	Air Pollution Control Administration	\$	750,000	\$	750,000	54002
699	715-644	Water Pollution Control Administration	\$	750,000	\$	750,000	54003
TOTAL SSR State Special Revenue Fund Group			\$	144,362,570	\$	148,690,706	54004
Clean Ohio Revitalization Fund Group							54005
5S1	715-607	Clean Ohio - Operating	\$	208,174	\$	208,174	54006
TOTAL CLF Clean Ohio Revitalization Fund Group			\$	208,174	\$	208,174	54007
TOTAL ALL BUDGET FUND GROUPS			\$	202,554,045	\$	207,689,173	54008

AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT 54009

The Ohio Environmental Protection Agency (EPA) shall use the 54010
foregoing appropriation item 715-681, Auto Emissions Test, in the 54011
Auto Emissions Test Fund (Fund 5BY), for the operation, and Ohio 54012
EPA's costs for oversight, of the auto emissions testing program. 54013
For purposes of continuing testing beyond December 31, 2007, the 54014
Director of Environmental Protection may extend an existing 54015
contract with the contractor who is implementing the testing 54016
program pursuant to section 3704.14 of the Revised Code for a 54017
period of two years. 54018

The funds identified in this section shall not be used (1) to 54019
pay for the testing costs of any dealers to provide certificates 54020
for vehicles being purchased by individuals who reside in areas 54021
where the E-Check program is operated or (2) to pay for more than 54022
one passing or three total free tests for any vehicle in a 54023
three-hundred-sixty-five-day period. When state funds may not be 54024
used to pay for testing costs, the cost of testing and retesting 54025
paid by an individual or a business for any vehicle shall cover 54026
the cost of the test. Testing and other fees charged by the 54027
contractor shall be submitted to and approved by the Director of 54028
Environmental Protection. 54029

WATER QUALITY PROTECTION FUND 54030

On July 1, 2007, or as soon thereafter as possible, the 54031
Director of Environmental Protection shall certify to the Director 54032
of Budget and Management the cash balance in Fund 3F4, Water 54033
Quality Management. The Director of Budget and Management shall 54034
transfer the amount certified from Fund 3F4 to Fund 3BU, Water 54035
Quality Protection. Any existing encumbrances in appropriation 54036
item 715-633, Water Quality Management (Fund 3F4), shall be 54037
cancelled and re-established against appropriation item 715-684, 54038
Water Quality Protection (Fund 3BU). The amounts of the 54039
re-established encumbrances are hereby appropriated, and Fund 3F4 54040

is abolished. 54041

On July 1, 2007, or as soon thereafter as possible, the 54042
Director of Environmental Protection shall certify to the Director 54043
of Budget and Management the cash balance in Fund 3J1, Urban 54044
Stormwater. The Director of Budget and Management shall transfer 54045
the amount certified from Fund 3J1 to Fund 3BU, Water Quality 54046
Protection. Any existing encumbrances in appropriation item 54047
715-620, Urban Stormwater (Fund 3J1), shall be cancelled and 54048
re-established against appropriation item 715-684, Water Quality 54049
Protection (Fund 3BU). The amounts of the re-established 54050
encumbrances are hereby appropriated, and Fund 3J1 is abolished. 54051

On July 1, 2007, or as soon thereafter as possible, the 54052
Director of Environmental Protection shall certify to the Director 54053
of Budget and Management the cash balance in Fund 3J5, Maumee 54054
River. The Director of Budget and Management shall transfer the 54055
amount certified from Fund 3J5 to Fund 3BU, Water Quality 54056
Protection. Any existing encumbrances in appropriation item 54057
715-615, Maumee River (Fund 3J5), shall be cancelled and 54058
re-established against appropriation item 715-684, Water Quality 54059
Protection (Fund 3BU). The amounts of the re-established 54060
encumbrances are hereby appropriated, and Fund 3J5 is abolished. 54061

On July 1, 2007, or as soon thereafter as possible, the 54062
Director of Environmental Protection shall certify to the Director 54063
of Budget and Management the cash balance in Fund 3K2, Clean Water 54064
Act 106 (Fund 3K2). The Director of Budget and Management shall 54065
transfer the amount certified from Fund 3K2 to Fund 3BU, Water 54066
Quality Protection. Any existing encumbrances in appropriation 54067
item 715-628, Clean Water Act 106, shall be cancelled and 54068
re-established against appropriation item 715-684, Water Quality 54069
Protection (Fund 3BU). The amounts of the re-established 54070
encumbrances are hereby appropriated, and Fund 3K2 is abolished. 54071

On July 1, 2007, or as soon thereafter as possible, the 54072

Director of Environmental Protection shall certify to the Director 54073
of Budget and Management the cash balance in Fund 3K6, Remedial 54074
Action Plan. The Director of Budget and Management shall transfer 54075
the amount certified from Fund 3K6 to Fund 3BU, Water Quality 54076
Protection. Any existing encumbrances in appropriation item 54077
715-639, Remedial Action Plan (Fund 3K6), shall be cancelled and 54078
re-established against appropriation item 715-684, Water Quality 54079
Protection (Fund 3BU). The amounts of the re-established 54080
encumbrances are hereby appropriated, and Fund 3K6 is abolished. 54081

On July 1, 2007, or as soon thereafter as possible, the 54082
Director of Environmental Protection shall certify to the Director 54083
of Budget and Management the cash balance in Fund 352, Wastewater 54084
Pollution. The Director of Budget and Management shall transfer 54085
the amount certified from Fund 352 to Fund 3BU, Water Quality 54086
Protection. Any existing encumbrances in appropriation item 54087
715-611, Wastewater Pollution (Fund 352), shall be cancelled and 54088
re-established against appropriation item 715-684, Water Quality 54089
Protection (Fund 3BU). The amounts of the re-established 54090
encumbrances are hereby appropriated, and Fund 352 is abolished. 54091

On July 1, 2007, or as soon thereafter as possible, the 54092
Director of Environmental Protection shall certify to the Director 54093
of Budget and Management the cash balance in Fund 358, 205-J 54094
Federal Planning. The Director of Budget and Management shall 54095
transfer the amount certified from Fund 358 to Fund 3BU, Water 54096
Quality Protection. Any existing encumbrances in appropriation 54097
item 715-625, 205-J Federal Planning (Fund 358), shall be 54098
cancelled and re-established against appropriation item 715-684, 54099
Water Quality Protection (Fund 3BU). The amounts of the 54100
re-established encumbrances are hereby appropriated, and Fund 358 54101
is abolished. 54102

CASH TRANSFER FOR AUTOMOTIVE MERCURY SWITCH PROGRAM 54103

Upon the request of the Director of Environmental Protection, 54104

the Director of Budget and Management shall transfer up to \$60,000 54105
in cash from the Environmental Protection Fund (Fund 5BC) to the 54106
Automotive Mercury Switch Program Fund (Fund 5DW), in each year of 54107
the fiscal years 2008-2009 biennium. 54108

Section 283.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 54109

General Revenue Fund 54110

GRF 172-321 Operating Expenses \$ 574,375 \$ 573,575 54111

TOTAL GRF General Revenue Fund \$ 574,375 \$ 573,575 54112

TOTAL ALL BUDGET FUND GROUPS \$ 574,375 \$ 573,575 54113

Section 285.10. ETC ETECH OHIO 54115

General Revenue Fund 54116

GRF 935-321 Operations \$ 6,830,918 \$ 6,830,921 54117

GRF 935-401 Statehouse News Bureau \$ 244,400 \$ 244,400 54118

GRF 935-402 Ohio Government \$ 716,417 \$ 716,417 54119

Telecommunications

Services

GRF 935-403 Technical Operations \$ 3,597,390 \$ 3,597,389 54120

GRF 935-404 Telecommunications \$ 3,632,413 \$ 3,632,413 54121

Operating Subsidy

GRF 935-406 Technical and \$ 7,601,351 \$ 7,601,351 54122

Instructional

Professional

Development

GRF 935-539 Educational Technology \$ 4,139,551 \$ 4,139,551 54123

TOTAL GRF General Revenue Fund \$ 26,762,440 \$ 26,762,442 54124

General Services Fund Group 54125

4F3 935-603 Affiliate Services \$ 1,000,000 \$ 1,000,000 54126

4T2 935-605 Government \$ 25,000 \$ 25,000 54127

Television/Telecommunications

Operating

5D4 935-640 Conference/Special Purposes	\$	1,821,817	\$	1,821,817	54128
TOTAL GSF General Services Fund Group	\$	2,846,817	\$	2,846,817	54129
Federal Special Revenue Fund Group					54130
3S3 935-606 Enhancing Education Technology	\$	589,363	\$	589,363	54131
TOTAL FED Federal Special Revenue Fund Group	\$	589,363	\$	589,363	54132
State Special Revenue Fund Group					54133
4W9 935-630 Telecommunity	\$	25,000	\$	25,000	54134
4X1 935-634 Distance Learning	\$	50,000	\$	50,000	54135
5T3 935-607 Gates Foundation Grants	\$	200,000	\$	200,000	54136
TOTAL SSR State Special Revenue Fund Group	\$	275,000	\$	275,000	54137
TOTAL ALL BUDGET FUND GROUPS	\$	30,473,620	\$	30,473,622	54138

Section 285.20. TOWERS 54140

(A) eTech Ohio currently owns eighteen towers and owns or leases an interest in the land upon which the towers are located at the following sites: Akron/Nimisila, Butler, Carey, Carmel Church, Celina College, Corner/Oxford, Conneaut/Ashtabula, Fairborn/Wright State, Lancaster, London, Loudonville, Mansfield, Maplewood, Millersburg, Thompson, Warrensville Heights, Wilberforce/Central State University, and Wooster. All rights, privileges, ownership, and control of the towers shall be transferred to the Office of Information Technology by July 1, 2007, or as soon as possible thereafter. Where the land upon which the towers are located is leased by eTech Ohio, eTech Ohio hereby relinquishes its right on any such lease and the Office of Information Technology shall be substituted as the lessee of the

premises by July 1, 2007, or as soon as possible thereafter, under 54154
the same terms, provisions, and conditions as specified in each 54155
lease agreement, subject to the lessor's consent. Where the land 54156
upon which the towers are located is owned by eTech Ohio, all 54157
rights, privileges, ownership, and control of the land shall be 54158
transferred to the Office of Information Technology by July 1, 54159
2007, or as soon as possible thereafter. The transfers and 54160
assignments of the eighteen tower site designations are subject to 54161
eTech Ohio's continued right to use the towers for transmission 54162
and broadcasting purposes and subject to the completion of any 54163
legal surveys of the premises on which the towers are located as 54164
deemed necessary by the Office of Real Estate Services. 54165

(B) The Governor is hereby authorized to execute deeds or 54166
leases in the name of the state, granting or leasing all of the 54167
state's right, title, and interest in the parcels described 54168
herein, and as necessary to implement division (A) of this 54169
section. 54170

(C) Renewable leases and deeds to implement division (A) of 54171
this section shall be prepared by the Auditor of State with the 54172
assistance of the Attorney General, executed by the Governor, 54173
countersigned by the Secretary of State, sealed with the Great 54174
Seal of the State, and presented for recording in the Office of 54175
the Auditor of State. Each deed or lease shall be delivered to the 54176
original grantor or lessor of each property for recording in the 54177
office of the appropriate county recorder. 54178

Section 285.30. TELECOMMUNICATIONS 54179

STATEHOUSE NEWS BUREAU 54180

The foregoing appropriation item 935-401, Statehouse News 54181
Bureau, shall be used solely to support the operations of the Ohio 54182
Statehouse News Bureau. 54183

OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO 54184

The foregoing appropriation item 935-402, Ohio Government 54185
Telecommunications Services, shall be used solely to support the 54186
operations of Ohio Government Telecommunications Services. 54187

TECHNICAL OPERATIONS 54188

The foregoing appropriation item 935-403, Technical 54189
Operations, shall be used by eTech Ohio to pay expenses of eTech 54190
Ohio's network infrastructure, which includes the television and 54191
radio transmission infrastructure and infrastructure that shall 54192
link all public K-12 classrooms to each other and the Internet, 54193
and provide access to voice, video, and data educational resources 54194
for students and teachers. 54195

TELECOMMUNICATIONS OPERATING SUBSIDY 54196

The foregoing appropriation item 935-404, Telecommunications 54197
Operating Subsidy, shall be distributed by eTech Ohio to Ohio's 54198
qualified public educational television stations, radio reading 54199
services, and educational radio stations to support their 54200
operations. The funds shall be distributed pursuant to an 54201
allocation formula used by the Ohio Educational Telecommunications 54202
Network Commission unless and until a substitute formula is 54203
developed by eTech Ohio in consultation with Ohio's qualified 54204
public educational television stations, radio reading services, 54205
and educational radio stations. 54206

Section 285.40. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL 54207
DEVELOPMENT 54208

The foregoing appropriation item 935-406, Technical and 54209
Instructional Professional Development, shall be used by eTech 54210
Ohio to make grants or provide services to qualifying public 54211
schools, including the State School for the Blind, the State 54212
School for the Deaf, and the Department of Youth Services, for the 54213

provision of hardware, software, telecommunications services, and 54214
staff development to support educational uses of technology in the 54215
classroom. 54216

Of the foregoing appropriation item 935-406, Technical and 54217
Instructional Professional Development, up to \$1,000,000 in each 54218
fiscal year shall be used to implement and support the Ohio 54219
Students Choosing On-line Resources for Educational Success (Ohio 54220
SCORES) initiative that increases the educational options 54221
available to students in mathematics, advanced laboratory-based 54222
science, and foreign language. eTech Ohio shall work 54223
collaboratively with the Department of Education and the Board of 54224
Regents on this initiative. 54225

Of the foregoing appropriation item 935-406, Technical and 54226
Instructional Professional Development, up to \$200,000 in each 54227
fiscal year shall be used by eTech Ohio to provide competitive 54228
professional development grants to school districts. Grant 54229
proposals shall focus on developing innovative programs that 54230
enhance the abilities of teachers to use innovative methods for 54231
integrating technology to implement state academic content 54232
standards in classroom lessons. Grant requirements and awards 54233
shall be approved by eTech Ohio, with priority given to school 54234
districts designated in academic emergency, academic watch, or 54235
continuous improvement. eTech Ohio shall develop a web site to 54236
share information learned through these programs with school 54237
districts statewide. The web site shall be linked with the Ohio 54238
Department of Education's Instructional Management System. 54239

Of the foregoing appropriation item 935-406, Technical and 54240
Instructional Professional Development, up to \$1,260,000 in each 54241
fiscal year shall be allocated equally among the 12 Ohio 54242
educational television stations and used with the advice and 54243
approval of eTech Ohio. Funds shall be used for the production of 54244
interactive instructional programming series with priority given 54245

to resources aligned with state academic content standards in 54246
consultation with the Ohio Department of Education and for 54247
teleconferences to support eTech Ohio. The programming shall be 54248
targeted to the needs of the poorest two hundred school districts 54249
as determined by the district's adjusted valuation per pupil as 54250
defined in former section 3317.0213 of the Revised Code as that 54251
section existed prior to June 30, 2005. 54252

The remainder of appropriation item 935-406, Technical and 54253
Instructional Professional Development, shall be used by eTech 54254
Ohio for professional development for teachers and administrators 54255
for the use of educational technology. eTech Ohio may make grants 54256
to provide technical assistance and professional development on 54257
the use of educational technology to school districts. 54258

Eligible recipients of grants include regional training 54259
centers, educational service centers, information technology 54260
centers, educational technology centers, institutions of higher 54261
education, public television stations, special education resource 54262
centers, area media centers, or other nonprofit educational 54263
organizations. In addition, services provided through these grants 54264
may include use of private entities subcontracting through the 54265
grant recipient. 54266

Grants shall be made to entities on a contractual basis with 54267
eTech Ohio. Contracts shall include provisions that demonstrate 54268
how services will benefit technology use in the public schools, 54269
and in particular how services will support eTech Ohio's efforts 54270
to integrate technology in the public schools. Contracts shall 54271
specify the scope of assistance being offered and the potential 54272
number of professionals who will be served. Contracting entities 54273
may be awarded more than one grant at a time. Grants shall be 54274
awarded in a manner consistent with the goals and priorities of 54275
eTech Ohio. Special emphasis in the award of grants shall be 54276
placed on collaborative efforts among service providers. 54277

Application for grants from appropriation item 935-406, 54278
Technical and Instructional Professional Development, shall be 54279
consistent with a school district's technology plan that shall 54280
meet the minimum specifications for school district technology 54281
plans as prescribed by eTech Ohio. Funds allocated through these 54282
grants may be combined with funds received through other state or 54283
federal grants for technology so long as the school district's 54284
technology plan specifies the use of these funds. 54285

Section 285.50. EDUCATION TECHNOLOGY 54286

The foregoing appropriation item 935-539, Education 54287
Technology, shall be used to provide funding to suppliers of 54288
information services to school districts for the provision of 54289
hardware, software, and staff development in support of 54290
educational uses of technology in the classroom as prescribed by 54291
the State Plan for Technology pursuant to section 3301.07 of the 54292
Revised Code, and to support assistive technology for children and 54293
youth with disabilities. 54294

Of the foregoing appropriation item 935-539, Education 54295
Technology, up to \$4,139,551 in each fiscal year shall be used by 54296
eTech Ohio to contract with educational television to provide Ohio 54297
public schools with instructional resources and services with 54298
priority given to resources and services aligned with state 54299
academic content standards and such resources and services shall 54300
be based upon the advice and approval of eTech Ohio, based on a 54301
formula used by the Ohio SchoolNet Commission unless and until a 54302
substitute formula is developed by eTech Ohio in consultation with 54303
Ohio's educational technology agencies and noncommercial 54304
educational television stations. 54305

Resources may include, but not be limited to, the following: 54306
prerecorded video materials (including videotape, laser discs, and 54307
CD-ROM discs); computer software for student use or student access 54308

to electronic communication, databases, spreadsheet, and word 54309
processing capability; live student courses or courses delivered 54310
electronically; automated media systems; and instructional and 54311
professional development materials for teachers. eTech Ohio shall 54312
collaborate with public television stations and cooperate with 54313
education technology agencies in the acquisition, development, and 54314
delivery of these educational resources to ensure high-quality and 54315
educational soundness at the lowest possible cost. Delivery of 54316
these resources may utilize a variety of technologies, with a 54317
preference given to a high speed integrated information network 54318
that can transport video, voice, data, and graphics 54319
simultaneously. 54320

Services shall include presentations and technical assistance 54321
that will help students and teachers integrate educational 54322
materials that support curriculum objectives, match specific 54323
learning styles, and are appropriate for individual interests and 54324
ability levels. 54325

The instructional resources and services shall be made 54326
available for purchase by chartered nonpublic schools or by school 54327
districts for the benefit of pupils attending chartered nonpublic 54328
schools. 54329

eTech Ohio shall monitor the developments of technology, 54330
coordinate with the Office of Information Technology, and assure 54331
the most effective and highest quality operation of eTech Ohio 54332
networks. All efforts may be aligned with the State's ongoing 54333
efforts to coordinate appropriate network operations through the 54334
Office of Information Technology and through the Third Frontier 54335
Network. 54336

Section 285.60. TELECOMMUNITY 54337

The foregoing appropriation item 935-630, Telecommunity, 54338
shall be distributed by eTech Ohio on a grant basis to eligible 54339

school districts to establish "distance learning" through 54340
interactive video technologies in the school district. Per 54341
agreements with eight Ohio local telephone companies ALLTEL Ohio, 54342
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 54343
Cincinnati Bell Telephone Company, Orwell Telephone Company, 54344
Sprint North Central Telephone, VERIZON, and Western Reserve 54345
Telephone Company, school districts are eligible for funds if they 54346
are within one of the listed telephone company service areas. 54347
Funds to administer the program shall be expended by eTech Ohio up 54348
to the amount specified in agreements with the listed telephone 54349
companies. 54350

Within thirty days after the effective date of this section, 54351
the Director of Budget and Management shall transfer to Fund 4W9 54352
in the State Special Revenue Fund Group any investment earnings 54353
from moneys paid by any telephone company as part of any 54354
settlement agreement between the listed companies and the Public 54355
Utilities Commission in fiscal years 1996 and beyond. 54356

DISTANCE LEARNING 54357

The foregoing appropriation item 935-634, Distance Learning, 54358
shall be distributed by eTech Ohio on a grant basis to eligible 54359
school districts to establish "distance learning" in the school 54360
district. Per the agreement with Ameritech, school districts are 54361
eligible for funds if they are within an Ameritech service area. 54362
Funds to administer the program shall be expended by eTech Ohio up 54363
to the amount specified in the agreement with Ameritech. 54364

Within thirty days after the effective date of this section, 54365
the Director of Budget and Management shall transfer to Fund 4X1 54366
in the State Special Revenue Fund Group any investment earnings 54367
from moneys paid by any telephone company as part of a settlement 54368
agreement between the company and the Public Utilities Commission 54369
in fiscal year 1995. 54370

GATES FOUNDATION GRANTS				54371
The foregoing appropriation item 935-607, Gates Foundation				54372
Grants, shall be used by eTech Ohio to provide professional				54373
development to school district principals, superintendents, and				54374
other administrative staff for the use of education technology.				54375
Section 287.10. ETH OHIO ETHICS COMMISSION				54376
General Revenue Fund				54377
GRF 146-321 Operating Expenses	\$	1,863,028	\$ 1,902,275	54378
TOTAL GRF General Revenue Fund	\$	1,863,028	\$ 1,902,275	54379
General Services Fund Group				54380
4M6 146-601 Operating Expenses	\$	432,543	\$ 432,543	54381
TOTAL GSF General Services				54382
Fund Group	\$	432,543	\$ 432,543	54383
TOTAL ALL BUDGET FUND GROUPS	\$	2,295,571	\$ 2,334,818	54384
Section 289.10. EXP OHIO EXPOSITIONS COMMISSION				54386
General Revenue Fund				54387
GRF 723-403 Junior Fair Subsidy	\$	400,000	\$ 400,000	54388
TOTAL GRF General Revenue Fund	\$	400,000	\$ 400,000	54389
State Special Revenue Fund Group				54390
4N2 723-602 Ohio State Fair	\$	520,000	\$ 520,000	54391
Harness Racing				
506 723-601 Operating Expenses	\$	13,643,315	\$ 13,643,315	54392
640 723-603 State Fair Reserve	\$	125,337	\$ 0	54393
TOTAL SSR State Special Revenue				54394
Fund Group	\$	14,288,652	\$ 14,163,315	54395
TOTAL ALL BUDGET FUND GROUPS	\$	14,688,652	\$ 14,563,315	54396
STATE FAIR RESERVE				54397
The foregoing appropriation item 723-603, State Fair Reserve,				54398
shall serve as a budget reserve fund for the Ohio Expositions				54399

Commission in the event of a significant decline in attendance 54400
because of inclement weather or extraordinary circumstances during 54401
the Ohio State Fair resulting in a loss of revenue. The State Fair 54402
Reserve Fund (Fund 640) may be used by the Ohio Expositions 54403
Commission to pay bills resulting from the Ohio State Fair only if 54404
all the following criteria are met: 54405

(A) Admission revenues for the 2007 Ohio State Fair are less 54406
than \$2,025,000 or the admission revenues for the 2008 Ohio State 54407
Fair are less than \$2,065,000 because of inclement weather or 54408
extraordinary circumstances. These amounts are ninety per cent of 54409
the projected revenues for each year. 54410

(B) The Ohio Expositions Commission declares a state of 54411
fiscal exigency and requests release of funds from the Director of 54412
Budget and Management. 54413

(C) The Director of Budget and Management releases the funds. 54414
The Director of Budget and Management may approve or disapprove 54415
the request for release of funds, may increase or decrease the 54416
amount of release, and may place conditions as the Director 54417
considers necessary on the use of the released funds. The Director 54418
of Budget and Management may transfer the appropriation from 54419
fiscal year 2008 to fiscal year 2009 as needed. 54420

In the event that the Ohio Expositions Commission faces a 54421
temporary cash shortage that will preclude it from meeting current 54422
obligations, the Commission may request the Director of Budget and 54423
Management to approve use of the State Fair Reserve Fund (Fund 54424
640) to meet those obligations. The request shall include a plan 54425
describing how the Commission will eliminate the cash shortage. If 54426
the Director of Budget and Management approves the expenditures, 54427
the Commission shall reimburse the State Fair Reserve Fund (Fund 54428
640) by the thirtieth day of June of that same fiscal year through 54429
an intrastate transfer voucher. The amount reimbursed is hereby 54430
appropriated. 54431

Section 291.10. GOV OFFICE OF THE GOVERNOR	54432
General Revenue Fund	54433
GRF 040-321 Operating Expenses \$ 3,754,045 \$ 3,754,045	54434
GRF 040-403 Federal Relations \$ 435,443 \$ 435,443	54435
GRF 040-408 Office of Veterans' Affairs \$ 287,000 \$ 298,000	54436
TOTAL GRF General Revenue Fund \$ 4,476,488 \$ 4,487,488	54437
General Services Fund Group	54438
5AK 040-607 Federal Relations \$ 365,149 \$ 365,149	54439
TOTAL GSF General Services Fund Group \$ 365,149 \$ 365,149	54440
TOTAL ALL BUDGET FUND GROUPS \$ 4,841,637 \$ 4,852,637	54441
APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR	54442
The Governor may expend a portion of the foregoing	54443
appropriation item 040-321, Operating Expenses, to hire or appoint	54444
legal counsel to be used in proceedings involving the Governor in	54445
the Governor's official capacity or the Governor's office only,	54446
without the approval of the Attorney General, notwithstanding	54447
sections 109.02 and 109.07 of the Revised Code.	54448
FEDERAL RELATIONS	54449
A portion of the foregoing appropriation items 040-403,	54450
Federal Relations, and 040-607, Federal Relations, may be used to	54451
support Ohio's membership in national or regional associations.	54452
The Office of the Governor may charge any state agency of the	54453
executive branch using an intrastate transfer voucher such amounts	54454
necessary to defray the costs incurred for the conduct of federal	54455
relations associated with issues that can be attributed to the	54456
agency. Amounts collected shall be deposited to the Office of the	54457
Governor Federal Relations Fund (Fund 5AK).	54458

	Section 293.10.	DOH DEPARTMENT OF HEALTH			54459
	General Revenue Fund				54460
GRF 440-407	Animal Borne Disease	\$ 2,452,101	\$ 2,452,101		54461
	and Prevention				
GRF 440-412	Cancer Incidence	\$ 1,002,619	\$ 1,002,619		54462
	Surveillance System				
GRF 440-413	Local Health	\$ 3,786,794	\$ 3,786,794		54463
	Department Support				
GRF 440-416	Child and Family	\$ 8,947,874	\$ 9,047,874		54464
	Health Services				
GRF 440-418	Immunizations	\$ 9,400,615	\$ 9,400,615		54465
GRF 440-437	Healthy Ohio	\$ 1,502,618	\$ 2,855,553		54466
GRF 440-444	AIDS Prevention and	\$ 7,158,127	\$ 7,158,127		54467
	Treatment				
GRF 440-446	Infectious Disease	\$ 200,000	\$ 200,000		54468
	Prevention				
GRF 440-451	Lab and Public Health	\$ 6,085,250	\$ 6,085,250		54469
	Prevention Programs				
GRF 440-452	Child and Family	\$ 1,024,017	\$ 1,024,017		54470
	Health Services Match				
GRF 440-453	Health Care Quality	\$ 10,253,728	\$ 10,253,728		54471
	Assurance				
GRF 440-454	Local Environmental	\$ 889,752	\$ 889,752		54472
	Health				
GRF 440-459	Help Me Grow	\$ 10,923,397	\$ 15,039,347		54473
GRF 440-505	Medically Handicapped	\$ 10,791,784	\$ 10,791,784		54474
	Children				
GRF 440-507	Targeted Health Care	\$ 1,681,023	\$ 1,681,023		54475
	Services Over 21				
GRF 440-511	Uncompensated Care and	\$ 0	\$ 3,500,000		54476
	Emergency Medical				
	Assistance				

TOTAL GRF General Revenue Fund	\$	76,099,699	\$	85,168,584	54477
General Services Fund Group					54478
142 440-646 Agency Health Services	\$	3,461,915	\$	3,461,915	54479
211 440-613 Central Support	\$	28,884,707	\$	28,884,707	54480
Indirect Costs					
473 440-622 Lab Operating Expenses	\$	4,954,045	\$	4,954,045	54481
683 440-633 Employee Assistance	\$	1,208,214	\$	1,208,214	54482
Program					
698 440-634 Nurse Aide Training	\$	170,000	\$	170,000	54483
TOTAL GSF General Services					54484
Fund Group	\$	38,678,881	\$	38,678,881	54485
Federal Special Revenue Fund Group					54486
320 440-601 Maternal Child Health	\$	29,025,635	\$	29,025,635	54487
Block Grant					
387 440-602 Preventive Health	\$	7,826,659	\$	7,826,659	54488
Block Grant					
389 440-604 Women, Infants, and	\$	230,077,451	\$	230,077,451	54489
Children					
391 440-606 Medicaid/Medicare	\$	24,850,959	\$	24,850,959	54490
392 440-618 Federal Public Health	\$	136,778,215	\$	136,778,215	54491
Programs					
TOTAL FED Federal Special Revenue					54492
Fund Group	\$	428,558,919	\$	428,558,919	54493
State Special Revenue Fund Group					54494
4D6 440-608 Genetics Services	\$	3,317,000	\$	3,317,000	54495
4F9 440-610 Sickle Cell Disease	\$	1,035,344	\$	1,035,344	54496
Control					
4G0 440-636 Heirloom Birth	\$	5,000	\$	5,000	54497
Certificate					
4G0 440-637 Birth Certificate	\$	5,000	\$	5,000	54498
Surcharge					
4L3 440-609 Miscellaneous Expenses	\$	446,468	\$	446,468	54499

4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894	54500
4V6	440-641	Save Our Sight	\$	1,767,994	\$	1,767,994	54501
470	440-647	Fee Supported Programs	\$	27,946,243	\$	25,905,140	54502
471	440-619	Certificate of Need	\$	869,000	\$	898,000	54503
477	440-627	Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016	54504
5B5	440-616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	54505
5CN	440-645	Choose Life	\$	75,000	\$	75,000	54506
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	54507
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	54508
5EC	440-650	Health Emergency	\$	15,312,500	\$	0	54509
5ED	440-651	Smoke Free Indoor Air	\$	800,000	\$	800,000	54510
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	54511
5L1	440-623	Nursing Facility Technical Assistance Program	\$	664,282	\$	698,595	54512
610	440-626	Radiation Emergency Response	\$	850,000	\$	850,000	54513
666	440-607	Medically Handicapped Children - County Assessments	\$	14,320,687	\$	14,320,687	54514
TOTAL SSR State Special Revenue							54515
Fund Group			\$	74,710,263	\$	57,419,973	54516
Holding Account Redistribution Fund Group							54517
R14	440-631	Vital Statistics	\$	70,000	\$	70,000	54518
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	54519
TOTAL 090 Holding Account							54520
Redistribution Fund Group			\$	90,000	\$	90,000	54521
TOTAL ALL BUDGET FUND GROUPS			\$	618,137,762	\$	609,916,357	54522

Section 293.20. CHILD AND FAMILY HEALTH SERVICES 54524

Of the foregoing appropriation item 440-416, Child and Family 54525
Health Services, not more than \$1,700,000 in each fiscal year 54526
shall be used for women's health services. 54527

Of the foregoing appropriation item 440-416, Child and Family 54528
Health Services, not more than \$270,000 shall be used in each 54529
fiscal year for the OPTIONS dental care access program. 54530

Of the foregoing appropriation item 440-416, Child and Family 54531
Health Services, not more than \$1,400,000 in each fiscal year 54532
shall be used by federally qualified health centers and federally 54533
designated look-alikes to provide services to uninsured low-income 54534
persons. 54535

Of the foregoing appropriation item 440-416, Child and Family 54536
Health Services, \$10,000 in each fiscal year shall be allocated to 54537
the Jewish Family Services in Cleveland, \$10,000 in each fiscal 54538
year shall be allocated to the Jewish Family Services in 54539
Cincinnati, \$10,000 shall be allocated in each fiscal year to the 54540
Jewish Family Services in Columbus, and \$10,000 in each fiscal 54541
year shall be allocated to the Wexner Heritage Village in Columbus 54542
for interpreters for health care. 54543

Of the foregoing appropriation item 440-416, Child and Family 54544
Health Services, \$10,000 in each fiscal year shall be provided to 54545
the Jewish Family Services in Dayton, \$5,000 in each fiscal year 54546
shall be provided to the Jewish Community Center in Akron, \$5,000 54547
in each fiscal year shall be provided to the Jewish Community 54548
Center in Sylvania, \$2,500 in each fiscal year shall be provided 54549
to the Jewish Community Center in Youngstown, and \$2,500 in each 54550
fiscal year shall be provided to the Jewish Community Center in 54551
Canton. 54552

Of the foregoing appropriation item 440-416, Child and Family 54553

Health Services, \$16,667 in each fiscal year shall be allocated to 54554
the Yassenoff Jewish Community Center, \$16,667 in each fiscal year 54555
shall be allocated to the Jewish Community Center in Cincinnati, 54556
and \$16,666 in each fiscal year shall be allocated to the Jewish 54557
Community Center in Cleveland for children's health and nutrition 54558
camp programs. 54559

Section 293.30. HEALTHY OHIO 54560

The Department of Health may use appropriation item 440-437, 54561
Healthy Ohio, to complete an inventory of prevention programs so 54562
that it may better target prevention funding, to fund programs to 54563
decrease minority health disparities, and to fund care 54564
coordination models to improve health outcomes for individuals 54565
with catastrophic health conditions. 54566

HIV/AIDS PREVENTION/TREATMENT 54567

Of the foregoing appropriation item 440-444, AIDS Prevention 54568
and Treatment, not more than \$6.7 million in each fiscal year 54569
shall be used to assist persons with HIV/AIDS in acquiring 54570
HIV-related medications. 54571

INFECTIOUS DISEASE PREVENTION 54572

The foregoing appropriation item 440-446, Infectious Disease 54573
Prevention, shall be used for the purchase of drugs for sexually 54574
transmitted diseases. 54575

HELP ME GROW 54576

The foregoing appropriation item 440-459, Help Me Grow, shall 54577
be used by the Department of Health to distribute subsidies to 54578
counties to implement the Help Me Grow Program. Appropriation item 54579
440-459, Help Me Grow, may be used in conjunction with Temporary 54580
Assistance for Needy Families from the Department of Job and 54581
Family Services, Early Intervention funding from the Department of 54582
Mental Retardation and Developmental Disabilities, and in 54583

conjunction with other early childhood funds and services to 54584
promote the optimal development of young children. Local contracts 54585
shall be developed between local departments of job and family 54586
services and family and children first councils for the 54587
administration of TANF funding for the Help Me Grow Program. The 54588
Department of Health shall enter into an interagency agreement 54589
with the Department of Education, Department of Mental Retardation 54590
and Developmental Disabilities, Department of Job and Family 54591
Services, and Department of Mental Health to ensure that all early 54592
childhood programs and initiatives are coordinated and school 54593
linked. 54594

TARGETED HEALTH CARE SERVICES OVER 21 54595

In each fiscal year, of the foregoing appropriation item 54596
440-507, Targeted Health Care Services Over 21, \$731,023 shall be 54597
used to administer the cystic fibrosis program and implement the 54598
Hemophilia Insurance Premium Payment Program. 54599

Of the foregoing appropriation item 440-507, Targeted Health 54600
Care Services Over 21, \$900,000 in each fiscal year shall be used 54601
to provide essential medications and to pay the copayments for 54602
drugs approved by the Department of Health and covered by Medicare 54603
Part D that are dispensed to Bureau for Children with Medical 54604
Handicaps (BCMh) participants for the cystic fibrosis program. 54605

UNCOMPENSATED CARE AND EMERGENCY MEDICAL 54606

The foregoing appropriation item 440-511, Uncompensated Care 54607
and Emergency Medical Assistance, shall be used to fund programs 54608
that provide health care without ability to pay. This is not an 54609
entitlement program and services are offered only to the extent 54610
that funding is available. 54611

GENETICS SERVICES 54612

The foregoing appropriation item 440-608, Genetics Services 54613
(Fund 4D6), shall be used by the Department of Health to 54614

administer programs authorized by sections 3701.501 and 3701.502 54615
of the Revised Code. None of these funds shall be used to counsel 54616
or refer for abortion, except in the case of a medical emergency. 54617

MEDICALLY HANDICAPPED CHILDREN AUDIT 54618

The Medically Handicapped Children Audit Fund (Fund 477) 54619
shall receive revenue from audits of hospitals and recoveries from 54620
third-party payers. Moneys may be expended for payment of audit 54621
settlements and for costs directly related to obtaining recoveries 54622
from third-party payers and for encouraging Medically Handicapped 54623
Children's Program recipients to apply for third-party benefits. 54624
Moneys also may be expended for payments for diagnostic and 54625
treatment services on behalf of medically handicapped children, as 54626
defined in division (A) of section 3701.022 of the Revised Code, 54627
and Ohio residents who are twenty-one or more years of age and who 54628
are suffering from cystic fibrosis or hemophilia. Moneys may also 54629
be expended for administrative expenses incurred in operating the 54630
Medically Handicapped Children's Program. 54631

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 54632
PERMIT FUND 54633

The Director of Budget and Management, pursuant to a plan 54634
submitted by the Department of Health, or as otherwise determined 54635
by the Director of Budget and Management, shall set a schedule to 54636
transfer cash from the Liquor Control Fund (Fund 043) to the 54637
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating 54638
needs of the Alcohol Testing and Permit program. 54639

The Director of Budget and Management shall transfer to the 54640
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control 54641
Fund (Fund 043) created in section 4301.12 of the Revised Code 54642
such amounts at such times as determined by the transfer schedule. 54643

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 54644

The foregoing appropriation item 440-607, Medically 54645

Handicapped Children - County Assessments (Fund 666), shall be 54646
used to make payments under division (E) of section 3701.023 of 54647
the Revised Code. 54648

Section 293.40. NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 54649

The Director of Budget and Management shall transfer, on July 54650
1, 2007, or as soon as possible thereafter, cash from Fund 4E3, 54651
Resident Protection Fund, in the Ohio Department of Job and Family 54652
Services, to Fund 5L1, Nursing Facility Technical Assistance 54653
Program Fund, in the Ohio Department of Health, to be used under 54654
section 3721.026 of the Revised Code. The transfers shall equal 54655
\$410,111 in fiscal year 2008 and \$698,595 in fiscal year 2009. 54656

CASH TRANSFER FROM FEDERAL PUBLIC HEALTH PROGRAMS FUND TO 54657
AGENCY HEALTH SERVICES FUND 54658

As soon as possible on or after July 1, 2007, the Director of 54659
Health shall certify to the Director of Budget and Management the 54660
amount of cash to be transferred from the Federal Public Health 54661
Programs Fund (Fund 392) to the Agency Health Services Fund (Fund 54662
142) to meet the operating needs of the Vital Statistics Program. 54663
The Director of Budget and Management shall transfer the amount 54664
certified. 54665

Section 295.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 54666

Agency Fund Group				54667
461 372-601 Operating Expenses	\$	16,819	\$ 16,819	54668
TOTAL AGY Agency Fund Group	\$	16,819	\$ 16,819	54669
TOTAL ALL BUDGET FUND GROUPS	\$	16,819	\$ 16,819	54670

Section 297.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 54672

General Revenue Fund				54673
GRF 148-100 Personal Services	\$	160,121	\$ 167,156	54674

GRF 148-200 Maintenance	\$	40,000	\$	40,000	54675
GRF 148-402 Community Projects	\$	500,000	\$	500,000	54676
TOTAL GRF General Revenue Fund	\$	700,121	\$	707,156	54677
General Services Fund Group					54678
601 148-602 Gifts and Miscellaneous	\$	20,000	\$	20,000	54679
TOTAL GSF General Services Fund Group	\$	20,000	\$	20,000	54681
TOTAL ALL BUDGET FUND GROUPS	\$	720,121	\$	727,156	54682

Section 299.10. OHS OHIO HISTORICAL SOCIETY 54684

General Revenue Fund					54685
GRF 360-501 Operating Subsidy	\$	3,349,244	\$	3,349,252	54686
GRF 360-502 Site and Museum Operations	\$	8,501,781	\$	8,501,788	54687
GRF 360-504 Ohio Preservation Office	\$	417,516	\$	415,381	54688
GRF 360-505 National Afro-American Museum	\$	762,433	\$	762,433	54689
GRF 360-506 Hayes Presidential Center	\$	514,323	\$	514,323	54690
GRF 360-508 State Historical Grants	\$	75,000	\$	75,000	54691
TOTAL GRF General Revenue Fund	\$	13,620,297	\$	13,618,177	54692
TOTAL ALL BUDGET FUND GROUPS	\$	13,620,297	\$	13,618,177	54693

SUBSIDY APPROPRIATION 54694

Upon approval by the Director of Budget and Management, the 54695
foregoing appropriation items shall be released to the Ohio 54696
Historical Society in quarterly amounts that in total do not 54697
exceed the annual appropriations. The funds and fiscal records of 54698
the society for fiscal years 2008 and 2009 shall be examined by 54699
independent certified public accountants approved by the Auditor 54700

of State, and a copy of the audited financial statements shall be 54701
filed with the Office of Budget and Management. The society shall 54702
prepare and submit to the Office of Budget and Management the 54703
following: 54704

(A) An estimated operating budget for each fiscal year of the 54705
biennium. The operating budget shall be submitted at or near the 54706
beginning of each calendar year. 54707

(B) Financial reports, indicating actual receipts and 54708
expenditures for the fiscal year to date. These reports shall be 54709
filed at least semiannually during the fiscal biennium. 54710

The foregoing appropriations shall be considered to be the 54711
contractual consideration provided by the state to support the 54712
state's offer to contract with the Ohio Historical Society under 54713
section 149.30 of the Revised Code. 54714

HAYES PRESIDENTIAL CENTER 54715

If a United States government agency, including, but not 54716
limited to, the National Park Service, chooses to take over the 54717
operations or maintenance of the Hayes Presidential Center, in 54718
whole or in part, the Ohio Historical Society shall make 54719
arrangements with the National Park Service or other United States 54720
government agency for the efficient transfer of operations or 54721
maintenance. 54722

HISTORICAL GRANTS 54723

Of the foregoing appropriation item 360-508, State Historical 54724
Grants, \$75,000 in each fiscal year shall be distributed to the 54725
Hebrew Union College in Cincinnati. 54726

PROCESSING FEES 54727

The Ohio Historical Society shall not charge or retain an 54728
administrative, service, or processing fee for distributing money 54729
that the General Assembly appropriates to the Society for grants 54730

or subsidies that the Society provides to other entities for their 54731
site-related programs. 54732

Section 301.10. REP OHIO HOUSE OF REPRESENTATIVES 54733

General Revenue Fund 54734

GRF 025-321 Operating Expenses \$ 20,574,568 \$ 20,574,568 54735

TOTAL GRF General Revenue Fund \$ 20,574,568 \$ 20,574,568 54736

General Services Fund Group 54737

103 025-601 House Reimbursement \$ 1,433,664 \$ 1,433,664 54738

4A4 025-602 Miscellaneous Sales \$ 37,849 \$ 37,849 54739

TOTAL GSF General Services 54740

Fund Group \$ 1,471,513 \$ 1,471,513 54741

TOTAL ALL BUDGET FUND GROUPS \$ 22,046,081 \$ 22,046,081 54742

OPERATING EXPENSES 54743

On July 1, 2007, or as soon as possible thereafter, the Chief 54744
Administrative Officer of the House of Representatives shall 54745
certify to the Director of Budget and Management the total fiscal 54746
year 2007 unencumbered appropriations in appropriation item 54747
025-321, Operating Expenses. The Chief Administrative Officer may 54748
direct the Director of Budget and Management to transfer an amount 54749
not to exceed the total fiscal year 2007 unencumbered 54750
appropriations to fiscal year 2008 for use within appropriation 54751
item 025-321, Operating Expenses. Additional appropriation 54752
authority equal to the amount certified by the Chief 54753
Administrative Officer is hereby appropriated to appropriation 54754
item 025-321, Operating Expenses, in fiscal year 2008. 54755

On July 1, 2008, or as soon as possible thereafter, the Chief 54756
Administrative Officer of the House of Representatives shall 54757
certify to the Director of Budget and Management the total fiscal 54758
year 2008 unencumbered appropriations in appropriation item 54759
025-321, Operating Expenses. The Chief Administrative Officer may 54760

direct the Director of Budget and Management to transfer an amount 54761
not to exceed the total fiscal year 2008 unencumbered 54762
appropriations to fiscal year 2009 for use within appropriation 54763
item 025-321, Operating Expenses. Additional appropriation 54764
authority equal to the amount certified by the Chief 54765
Administrative Officer is hereby appropriated to appropriation 54766
item 025-321, Operating Expenses, in fiscal year 2009. 54767

Section 303.10. HFA OHIO HOUSING FINANCE AGENCY 54768

Agency Fund Group 54769
5AZ 997-601 Housing Finance Agency \$ 9,750,953 \$ 10,237,491 54770
Personal Services
TOTAL AGY Agency Fund Group \$ 9,750,953 \$ 10,237,491 54771
TOTAL ALL BUDGET FUND GROUPS \$ 9,750,953 \$ 10,237,491 54772

Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL 54774

General Revenue Fund 54775
GRF 965-321 Operating Expenses \$ 1,367,372 \$ 1,437,901 54776
TOTAL GRF General Revenue Fund \$ 1,367,372 \$ 1,437,901 54777
General Services Fund Group 54778
4Z3 965-602 Special Investigations \$ 375,000 \$ 375,000 54779
TOTAL GSF General Services Fund \$ 375,000 \$ 375,000 54780
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,742,372 \$ 1,812,901 54781

Section 307.10. INS DEPARTMENT OF INSURANCE 54783

Federal Special Revenue Fund Group 54784
3U5 820-602 OSHIIP Operating Grant \$ 1,100,000 \$ 1,100,000 54785
TOTAL FED Federal Special 54786
Revenue Fund Group \$ 1,100,000 \$ 1,100,000 54787
State Special Revenue Fund Group 54788

554 820-601 Operating Expenses -	\$	553,750	\$	569,269	54789
OSHIIP					
554 820-606 Operating Expenses	\$	23,350,236	\$	23,802,797	54790
555 820-605 Examination	\$	7,639,581	\$	7,868,768	54791
TOTAL SSR State Special Revenue					54792
Fund Group	\$	31,543,567	\$	32,240,834	54793
TOTAL ALL BUDGET FUND GROUPS	\$	32,643,567	\$	33,340,834	54794

MARKET CONDUCT EXAMINATION 54795

When conducting a market conduct examination of any insurer 54796
 doing business in this state, the Superintendent of Insurance may 54797
 assess the costs of the examination against the insurer. The 54798
 superintendent may enter into consent agreements to impose 54799
 administrative assessments or fines for conduct discovered that 54800
 may be violations of statutes or rules administered by the 54801
 superintendent. All costs, assessments, or fines collected shall 54802
 be deposited to the credit of the Department of Insurance 54803
 Operating Fund (Fund 554). 54804

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 54805

The Director of Budget and Management, at the request of the 54806
 Superintendent of Insurance, may transfer funds from the 54807
 Department of Insurance Operating Fund (Fund 554), established by 54808
 section 3901.021 of the Revised Code, to the Superintendent's 54809
 Examination Fund (Fund 555), established by section 3901.071 of 54810
 the Revised Code, only for expenses incurred in examining domestic 54811
 fraternal benefit societies as required by section 3921.28 of the 54812
 Revised Code. 54813

Section 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 54814

General Revenue Fund					54815
GRF 600-321 Support Services					54816
State	\$	54,527,933	\$	56,246,413	54817

	Federal	\$	11,247,619	\$	12,096,738	54818
	Support Services Total	\$	65,775,552	\$	68,343,151	54819
GRF 600-410	TANF State	\$	272,619,061	\$	272,619,061	54820
GRF 600-413	Child Care	\$	84,120,596	\$	84,120,596	54821
	Match/Maintenance of Effort					
GRF 600-416	Computer Projects					54822
	State	\$	122,501,181	\$	124,740,533	54823
	Federal	\$	22,814,573	\$	22,706,905	54824
	Computer Projects Total	\$	145,315,754	\$	147,447,438	54825
GRF 600-420	Child Support Administration	\$	8,791,446	\$	10,891,446	54826
GRF 600-421	Office of Family Stability	\$	4,864,932	\$	4,864,932	54827
GRF 600-423	Office of Children and Families	\$	6,737,630	\$	6,737,630	54828
GRF 600-425	Office of Ohio Health Plans					54829
	State	\$	24,483,853	\$	24,433,988	54830
	Federal	\$	25,381,429	\$	25,431,294	54831
	Office of Ohio Health Plans Total	\$	49,865,282	\$	49,865,282	54832
GRF 600-502	Administration - Local	\$	34,014,103	\$	34,014,103	54833
GRF 600-511	Disability Financial Assistance	\$	24,028,480	\$	25,335,908	54834
GRF 600-512	Non-TANF Disaster Assistance	\$	1,000,000	\$	1,000,000	54835
GRF 600-521	Entitlement Administration - Local	\$	131,214,401	\$	131,214,401	54836
GRF 600-523	Children and Families Services	\$	78,515,135	\$	78,515,135	54837
GRF 600-525	Health Care/Medicaid					54838
	State	\$	3,535,477,365	\$	3,781,240,317	54839

	Federal	\$ 5,366,236,631	\$ 6,056,895,195	54840
	Health Care Total	\$ 8,901,713,996	\$ 9,838,135,512	54841
GRF 600-526	Medicare Part D	\$ 254,397,401	\$ 271,854,640	54842
GRF 600-528	Adoption Services			54843
	State	\$ 40,043,266	\$ 43,978,301	54844
	Federal	\$ 44,081,243	\$ 49,196,065	54845
	Adoption Services Total	\$ 84,124,509	\$ 93,174,366	54846
TOTAL GRF General Revenue Fund				54847
	State	\$ 4,677,336,783	\$ 4,951,807,404	54848
	Federal	\$ 5,469,761,495	\$ 6,166,326,197	54849
	GRF Total	\$10,147,098,278	\$11,118,133,601	54850
General Services Fund Group				54851
4A8 600-658	Child Support Collections	\$ 26,680,794	\$ 26,680,794	54852
4R4 600-665	BCII Services/Fees	\$ 36,974	\$ 36,974	54853
5BG 600-653	Managed Care Assessment	\$ 210,655,034	\$ 222,667,304	54854
5C9 600-671	Medicaid Program Support	\$ 80,120,048	\$ 80,120,048	54855
5DL 600-639	Medicaid Revenue and Collections	\$ 51,966,785	\$ 56,296,844	54856
5N1 600-677	County Technologies	\$ 1,000,000	\$ 1,000,000	54857
5P5 600-692	Health Care Services	\$ 93,000,000	\$ 62,000,000	54858
613 600-645	Training Activities	\$ 135,000	\$ 135,000	54859
TOTAL GSF General Services Fund Group				54860
		\$ 463,594,635	\$ 448,936,964	54861
Federal Special Revenue Fund Group				54862
3AW 600-675	Faith Based Initiatives	\$ 1,000,000	\$ 1,000,000	54863
3A2 600-641	Emergency Food Distribution	\$ 2,900,000	\$ 3,500,000	54864
3D3 600-648	Children's Trust Fund	\$ 2,040,524	\$ 2,040,524	54865

		Federal				
3F0	600-623	Health Care Federal	\$ 1,209,188,383	\$ 1,211,196,561		54866
3F0	600-650	Hospital Care	\$ 343,239,047	\$ 343,239,047		54867
		Assurance Match				
3G5	600-655	Interagency	\$ 1,469,763,073	\$ 1,513,855,965		54868
		Reimbursement				
3H7	600-617	Child Care Federal	\$ 207,269,463	\$ 200,167,593		54869
3N0	600-628	IV-E Foster Care	\$ 153,963,142	\$ 153,963,142		54870
		Maintenance				
3S5	600-622	Child Support Projects	\$ 534,050	\$ 534,050		54871
3V0	600-688	Workforce Investment	\$ 232,568,453	\$ 233,082,144		54872
		Act				
3V4	600-678	Federal Unemployment	\$ 147,411,858	\$ 152,843,414		54873
		Programs				
3V4	600-679	Unemployment	\$ 3,092,890	\$ 3,191,862		54874
		Compensation Review				
		Commission - Federal				
3V6	600-689	TANF Block Grant	\$ 1,037,739,200	\$ 1,085,861,099		54875
3W3	600-659	TANF/Title XX Transfer	\$ 9,782,101	\$ 6,200,000		54876
327	600-606	Child Welfare	\$ 48,514,502	\$ 47,947,309		54877
331	600-686	Federal Operating	\$ 53,963,318	\$ 56,263,225		54878
384	600-610	Food Stamps and State	\$ 160,237,060	\$ 153,147,118		54879
		Administration				
385	600-614	Refugee Services	\$ 10,196,547	\$ 11,057,826		54880
395	600-616	Special	\$ 5,723,131	\$ 5,717,151		54881
		Activities/Child and				
		Family Services				
396	600-620	Social Services Block	\$ 114,479,464	\$ 114,474,085		54882
		Grant				
396	600-651	Second Harvest Food	\$ 5,500,000	\$ 5,500,000		54883
		Banks				
397	600-626	Child Support	\$ 303,661,307	\$ 303,538,962		54884
398	600-627	Adoption Maintenance/	\$ 318,172,168	\$ 317,483,676		54885

Administration			
TOTAL FED Federal Special Revenue			54886
Fund Group	\$ 5,840,939,681	\$ 5,925,804,753	54887
State Special Revenue Fund Group			54888
198 600-647 Children's Trust Fund	\$ 6,788,522	\$ 6,788,522	54889
4A9 600-607 Unemployment	\$ 12,273,062	\$ 12,188,996	54890
Compensation			
Administration Fund			
4A9 600-694 Unemployment	\$ 1,726,938	\$ 1,811,004	54891
Compensation Review			
Commission			
4E3 600-605 Nursing Home	\$ 4,759,914	\$ 4,759,914	54892
Assessments			
4E7 600-604 Child and Family	\$ 300,000	\$ 300,000	54893
Services Collections			
4J5 600-613 Nursing Facility Bed	\$ 34,613,984	\$ 34,613,984	54894
Assessments			
4J5 600-618 Residential State	\$ 15,700,000	\$ 15,700,000	54895
Supplement Payments			
4K1 600-621 ICF/MR Bed Assessments	\$ 19,332,437	\$ 19,332,437	54896
4R3 600-687 Banking Fees	\$ 800,000	\$ 800,000	54897
4Z1 600-625 HealthCare Compliance	\$ 10,000,000	\$ 10,000,000	54898
5DB 600-637 Military Injury Grants	\$ 2,000,000	\$ 2,000,000	54899
5ES 600-630 Food Assistance	\$ 500,000	\$ 500,000	54900
5F2 600-667 Building Consolidation	\$ 250,000	\$ 250,000	54901
5F3 600-668 Building Consolidation	\$ 1,000,000	\$ 1,000,000	54902
5Q9 600-619 Supplemental Inpatient	\$ 56,125,998	\$ 56,125,998	54903
Hospital Payments			
5R2 600-608 Medicaid-Nursing	\$ 175,000,000	\$ 175,000,000	54904
Facilities			
5S3 600-629 MR/DD Medicaid	\$ 1,620,960	\$ 1,620,960	54905
Administration and Oversight			

5U3 600-654	Health Care Services Administration	\$	9,867,284	\$	12,000,349	54906
5U6 600-663	Children and Family Support	\$	4,928,718	\$	4,928,718	54907
5Z9 600-672	TANF Quality Control Reinvestments	\$	520,971	\$	546,254	54908
651 600-649	Hospital Care Assurance Program Fund	\$	231,893,404	\$	231,893,404	54909
TOTAL SSR State Special Revenue						54910
Fund Group		\$	590,002,192	\$	592,160,540	54911
Agency Fund Group						54912
192 600-646	Support Intercept - Federal	\$	110,000,000	\$	110,000,000	54913
5B6 600-601	Food Stamp Intercept	\$	2,000,000	\$	2,000,000	54914
583 600-642	Support Intercept - State	\$	16,000,000	\$	16,000,000	54915
TOTAL AGY Agency Fund Group						54916
Holding Account Redistribution Fund Group						54917
R12 600-643	Refunds and Audit Settlements	\$	3,600,000	\$	3,600,000	54918
R13 600-644	Forgery Collections	\$	10,000	\$	10,000	54919
TOTAL 090 Holding Account Redistribution Fund Group						54920
TOTAL ALL BUDGET FUND GROUPS						54921

Section 309.20. SUPPORT SERVICES 54923

Section 309.20.10. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES 54924
54925

Of the foregoing appropriation item 600-321, Support Services, up to \$312,500 per fiscal year may be used to support the activities of the Governor's Office of Faith-Based and

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Community Initiatives.	54929
Section 309.20.20. OHIO BENEFIT BANK	54930
Of the foregoing appropriation item 600-321, Support	54931
Services, up to \$299,276 in fiscal year 2008 and up to \$472,366 in	54932
fiscal year 2009 shall be used to support the Ohio Benefit Bank, a	54933
web-enabled, counselor-assisted program for low and	54934
moderate-income Ohioans.	54935
Section 309.20.30. AGENCY FUND GROUP	54936
The Agency Fund Group and Holding Account Redistribution Fund	54937
Group shall be used to hold revenues until the appropriate fund is	54938
determined or until the revenues are directed to the appropriate	54939
governmental agency other than the Department of Job and Family	54940
Services. If it is determined that additional appropriation	54941
authority is necessary, such amounts are hereby appropriated.	54942
Section 309.30. MEDICAID	54943
Section 309.30.10. HEALTH CARE/MEDICAID	54944
The foregoing appropriation item 600-525, Health	54945
Care/Medicaid, shall not be limited by section 131.33 of the	54946
Revised Code.	54947
Section 309.30.20. FISCAL YEAR 2008 MEDICAID REIMBURSEMENT	54948
SYSTEM FOR NURSING FACILITIES	54949
(A) As used in this section:	54950
"Franchise permit fee," "Medicaid days," "nursing facility,"	54951
and "provider" have the same meanings as in section 5111.20 of the	54952
Revised Code.	54953
"Nursing facility services" means nursing facility services	54954
covered by the Medicaid program that a nursing facility provides	54955

to a resident of the nursing facility who is a Medicaid recipient 54956
eligible for Medicaid-covered nursing facility services. 54957

(B) Except as otherwise provided by this section, the 54958
provider of a nursing facility that has a valid Medicaid provider 54959
agreement on June 30, 2007, and a valid Medicaid provider 54960
agreement during fiscal year 2008 shall be paid, for nursing 54961
facility services the nursing facility provides during fiscal year 54962
2008, the rate calculated for the nursing facility under sections 54963
5111.20 to 5111.33 of the Revised Code with the following 54964
adjustments: 54965

(1) The cost per case mix-unit calculated under section 54966
5111.231 of the Revised Code, the rate for ancillary and support 54967
costs calculated under section 5111.24 of the Revised Code, the 54968
rate for capital costs calculated under section 5111.25 of the 54969
Revised Code, and the rate for tax costs calculated under section 54970
5111.242 of the Revised Code shall each be adjusted as follows: 54971

(a) Increase the cost and rates so calculated by two per 54972
cent; 54973

(b) Increase the cost and rates determined under division 54974
(B)(1)(a) of this section by two per cent; 54975

(c) Increase the cost and rates determined under division 54976
(B)(1)(b) of this section by one per cent. 54977

(2) The mean payment used in the calculation of the quality 54978
incentive payment made under section 5111.244 of the Revised Code 54979
shall be, weighted by Medicaid days, three dollars and three cents 54980
per Medicaid day. 54981

(C) If the rate determined for a nursing facility under 54982
division (B) of this section for nursing facility services 54983
provided during fiscal year 2008 is more than one hundred one and 54984
seventy-five one-hundredths per cent of the rate the provider is 54985
paid for nursing facility services the nursing facility provides 54986

on June 30, 2007, the Department of Job and Family Services shall 54987
reduce the nursing facility's fiscal year 2008 rate so that the 54988
rate is not more than one hundred one and seventy-five hundredths 54989
per cent of the nursing facility's rate for June 30, 2007. If the 54990
rate determined for a nursing facility under division (B) of this 54991
section for nursing facility services provided during fiscal year 54992
2008 is less than ninety-eight and twenty-five hundredths per cent 54993
of the rate the provider is paid for nursing facility services the 54994
nursing facility provides on June 30, 2007, the Department shall 54995
increase the nursing facility's fiscal year 2008 rate so that the 54996
rate is not less than ninety-eight and twenty-five hundredths per 54997
cent of the nursing facility's rate for June 30, 2007. 54998

(D) If the United States Centers for Medicare and Medicaid 54999
Services requires that the franchise permit fee be reduced or 55000
eliminated, the Department of Job and Family Services shall reduce 55001
the amount it pays providers of nursing facility services under 55002
this section as necessary to reflect the loss to the state of the 55003
revenue and federal financial participation generated from the 55004
franchise permit fee. 55005

(E) The Department of Job and Family Services shall follow 55006
this section in determining the rate to be paid to the provider of 55007
a nursing facility that has a valid Medicaid provider agreement on 55008
June 30, 2007, and a valid Medicaid provider agreement during 55009
fiscal year 2008 notwithstanding anything to the contrary in 55010
sections 5111.20 to 5111.33 of the Revised Code. 55011

Section 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT 55012
SYSTEM FOR NURSING FACILITIES 55013

(A) As used in this section: 55014

"Franchise permit fee," "Medicaid days," "nursing facility," 55015
and "provider" have the same meanings as in section 5111.20 of the 55016
Revised Code. 55017

"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 otherwise provided by this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2008, and a valid Medicaid provider agreement during fiscal year 2009 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2009, the rate calculated for the nursing facility under sections 5111.20 to 5111.33 of the Revised Code with the following adjustments:

(1) The cost per case mix-unit calculated under section 5111.231 of the Revised Code, the rate for ancillary and support costs calculated under section 5111.24 of the Revised Code, the rate for capital costs calculated under section 5111.25 of the Revised Code, and the rate for tax costs calculated under section 5111.242 of the Revised Code shall each be adjusted as follows:

(a) Increase the cost and rates so calculated by two per cent;

(b) Increase the cost and rates determined under division (B)(1)(a) of this section by two per cent;

(c) Increase the cost and rates determined under division (B)(1)(b) of this section by one per cent;

(d) Increase the cost and rates determined under division (B)(1)(c) of this section by one half of a per cent.

(2) The mean payment used in the calculation of the quality incentive payment made under section 5111.244 of the Revised Code shall be, weighted by Medicaid days, three dollars and five cents per Medicaid day.

(C) If the rate determined for a nursing facility under 55048
division (B) of this section for nursing facility services 55049
provided during fiscal year 2009 is more than one hundred one and 55050
one-half per cent of the rate the provider is paid for nursing 55051
facility services the nursing facility provides on June 30, 2008, 55052
the Department of Job and Family Services shall reduce the nursing 55053
facility's fiscal year 2009 rate so that the rate is not more than 55054
one hundred one and one-half per cent of the nursing facility's 55055
rate for June 30, 2008. If the rate determined for a nursing 55056
facility under division (B) of this section for nursing facility 55057
services provided during fiscal year 2009 is less than 55058
ninety-eight and one-half per cent of the rate the provider is 55059
paid for nursing facility services the nursing facility provides 55060
on June 30, 2008, the Department shall increase the nursing 55061
facility's fiscal year 2009 rate so that the rate is not less than 55062
ninety-eight and one-half per cent of the nursing facility's rate 55063
for June 30, 2008. 55064

(D) If the United States Centers for Medicare and Medicaid 55065
Services requires that the franchise permit fee be reduced or 55066
eliminated, the Department of Job and Family Services shall reduce 55067
the amount it pays providers of nursing facility services under 55068
this section as necessary to reflect the loss to the state of the 55069
revenue and federal financial participation generated from the 55070
franchise permit fee. 55071

(E) The Department of Job and Family Services shall follow 55072
this section in determining the rate to be paid to the provider of 55073
a nursing facility that has a valid Medicaid provider agreement on 55074
June 30, 2008, and a valid Medicaid provider agreement during 55075
fiscal year 2009 notwithstanding anything to the contrary in 55076
sections 5111.20 to 5111.33 of the Revised Code. 55077

Section 309.30.40. FISCAL YEARS 2008 AND 2009 MEDICAID 55078

REIMBURSEMENT SYSTEM FOR ICFs/MR	55079
(A) As used in this section:	55080
"Intermediate care facility for the mentally retarded" has	55081
the same meaning as in section 5111.20 of the Revised Code.	55082
"Medicaid days" means all days during which a resident who is	55083
a Medicaid recipient occupies a bed in an intermediate care	55084
facility for the mentally retarded that is included in the	55085
facility's Medicaid-certified capacity. Therapeutic or hospital	55086
leave days for which payment is made under section 5111.33 of the	55087
Revised Code are considered Medicaid days proportionate to the	55088
percentage of the intermediate care facility for the mentally	55089
retarded's per resident per day rate paid for those days.	55090
"Per diem rate" means the per diem rate calculated pursuant	55091
to sections 5111.20 to 5111.33 of the Revised Code.	55092
(B) Notwithstanding sections 5111.20 to 5111.33 of the	55093
Revised Code, rates paid to intermediate care facilities for the	55094
mentally retarded under the Medicaid program shall be subject to	55095
the following limitations:	55096
(1) For fiscal year 2008, the mean total per diem rate for	55097
all intermediate care facilities for the mentally retarded in the	55098
state, weighted by May 2007 Medicaid days and calculated as of	55099
July 1, 2007, shall not exceed \$266.14.	55100
(2) For fiscal year 2009, the mean total per diem rate for	55101
all intermediate care facilities for the mentally retarded in the	55102
state, weighted by May 2008 Medicaid days and calculated as of	55103
July 1, 2008, shall not exceed \$271.46.	55104
(3) If the mean total per diem rate for all intermediate care	55105
facilities for the mentally retarded in the state for fiscal year	55106
2008 or 2009, weighted by Medicaid days as specified in division	55107
(B)(1) or (2) of this section, as appropriate, and calculated as	55108

of the first day of July of the calendar year in which the fiscal 55109
year begins, exceeds the amount specified in division (B)(1) or 55110
(2) of this section, as applicable, the Department of Job and 55111
Family Services shall reduce the total per diem rate for each 55112
intermediate care facility for the mentally retarded in the state 55113
by a percentage that is equal to the percentage by which the mean 55114
total per diem rate exceeds the amount specified in division 55115
(B)(1) or (2) of this section for that fiscal year. 55116

(4) Subsequent to any reduction required by division (B)(3) 55117
of this section, the rate of an intermediate care facility for the 55118
mentally retarded shall not be subject to any adjustments 55119
authorized by sections 5111.20 to 5111.33 of the Revised Code 55120
during the remainder of the year. 55121

Section 309.30.50. HOME FIRST PROGRAM 55122

(A) As used in this section: 55123

(1) "Area agency on aging" has the same meaning as in section 55124
173.14 of the Revised Code. 55125

(2) "Long-Term Care Consultation Program" means the program 55126
the Department of Aging is required to develop under section 55127
173.42 of the Revised Code. 55128

(3) "Long-Term Care Consultation Program administrator" or 55129
"administrator" means the Department of Aging or, if the 55130
Department contracts with an area agency on aging or other entity 55131
to administer the Long-Term Care Consultation Program for a 55132
particular area, that agency or entity. 55133

(4) "Nursing facility" has the same meaning as in section 55134
5111.20 of the Revised Code. 55135

(5) "PASSPORT program" means the program created under 55136
section 173.40 of the Revised Code. 55137

(B) Each month during fiscal years 2008 and 2009, each area 55138

agency on aging shall determine whether individuals who reside in 55139
the area that the area agency on aging serves and are on a waiting 55140
list for the PASSPORT program have been admitted to a nursing 55141
facility. If an area agency on aging determines that such an 55142
individual has been admitted to a nursing facility, the agency 55143
shall notify the Long-Term Care Consultation Program administrator 55144
serving the area in which the individual resides about the 55145
determination. The administrator shall determine whether the 55146
PASSPORT program is appropriate for the individual and whether the 55147
individual would rather participate in the PASSPORT program than 55148
continue residing in the nursing facility. If the administrator 55149
determines that the PASSPORT program is appropriate for the 55150
individual and the individual would rather participate in the 55151
PASSPORT program than continue residing in the nursing facility, 55152
the administrator shall so notify the Department of Aging. On 55153
receipt of the notice from the administrator, the Department of 55154
Aging shall approve the enrollment of the individual in the 55155
PASSPORT program regardless of whether other individuals who are 55156
not in a nursing facility are ahead of the individual on the 55157
PASSPORT program's waiting list. Each quarter, the Department of 55158
Aging shall certify to the Director of Budget and Management the 55159
increase in costs of the PASSPORT program based on the total 55160
expenditures made for the individuals enrolled in the PASSPORT 55161
program pursuant to this section. 55162

(C) On a quarterly basis, on receipt of the certified 55163
expenditures, the Director of Budget and Management may do all of 55164
the following: 55165

(1) Transfer the state share of the amount of the actual 55166
expenditures from GRF appropriation item 600-525, Health 55167
Care/Medicaid, to GRF appropriation item 490-403, PASSPORT; 55168

(2) Increase the appropriation in Ohio Department of Aging 55169
Fund 3C4, appropriation item 490-607, PASSPORT, by the federal 55170

share of the amount of the actual expenditures; 55171

(3) Increase the appropriation in JFS Fund 3G5, appropriation 55172
item 600-655, Interagency Reimbursement, by the federal share of 55173
the amount of the actual expenditures. 55174

The funds that the Director of Budget and Management 55175
transfers and increases under this division are hereby 55176
appropriated. 55177

(D) The individuals placed in the PASSPORT program pursuant 55178
to this section shall be in addition to the individuals placed in 55179
the PASSPORT program during fiscal years 2008 and 2009 based on 55180
the amount of money that is in GRF appropriation item 490-403, 55181
PASSPORT; Fund 4J4, appropriation item 490-610, 55182
PASSPORT/Residential State Supplement; Fund 4U9, appropriation 55183
item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 55184
490-607, PASSPORT, before any transfers to GRF appropriation item 55185
490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, 55186
PASSPORT, are made under this section. 55187

Section 309.30.60. MEDICAID COVERAGE OF CHIROPRACTIC SERVICES 55188

(A) As used in this section, "adult Medicaid recipient" means 55189
a Medicaid recipient twenty-two years of age or older. 55190

(B) For fiscal years 2008 and 2009 and subject to division 55191
(C) of this section, the Medicaid Program shall cover chiropractic 55192
services for adult Medicaid recipients in an amount, duration, and 55193
scope specified in rules that the Director of Job and Family 55194
Services shall adopt under section 5111.02 of the Revised Code. 55195

(C) The Medicaid Program's coverage of chiropractic services 55196
under this section shall be limited as follows: 55197

(1) Fifteen visits per adult Medicaid recipient per fiscal 55198
year; 55199

(2) The total costs of coverage under this section may not 55200

exceed \$5,000,000 per fiscal year. 55201

Section 309.30.70. MONEY FOLLOWS THE PERSON 55202

The Director of Budget and Management may do any of the 55203
following in support of any home and community based services 55204
waiver program: 55205

(A) Create new funds and account appropriation items to 55206
support and track funds associated with a unified long-term care 55207
budget; 55208

(B) Transfer funds among affected agencies and adjust 55209
corresponding appropriation levels; 55210

(C) Develop a reporting mechanism to show clearly how the 55211
funds are being transferred and expended. 55212

***Section 309.30.80. MEDICAID ELIGIBILITY FOR PARENTS** 55213

The Director of Job and Family Services shall, not later than 55214
ninety days after the effective date of this section, submit to 55215
the United States Secretary of Health and Human Services an 55216
amendment to the state Medicaid plan to increase to one hundred 55217
per cent of the federal poverty guidelines the family income 55218
specified in division (A)(2) of section 5111.019 of the Revised 55219
Code. The increase shall be implemented not earlier than ninety 55220
days after the effective date of this section. 55221

Section 309.30.90. MEDICAID ELIGIBILITY FOR PREGNANT WOMEN 55222

The Director of Job and Family Services shall, not later than 55223
ninety days after the effective date of this section, submit to 55224
the United States Secretary of Health and Human Services an 55225
amendment to the state Medicaid plan to increase to two hundred 55226
per cent of the federal poverty guidelines the income limit 55227
specified in division (A)(2) of section 5111.014 of the Revised 55228

Code. The increase shall be implemented not earlier than January 55229
1, 2008. 55230

Section 309.31.10. MEDICARE PART D 55231

The foregoing appropriation item 600-526, Medicare Part D, 55232
may be used by the Department of Job and Family Services for the 55233
implementation and operation of the Medicare Part D requirements 55234
contained in the "Medicare Prescription Drug, Improvement, and 55235
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 55236
the request of the Department of Job and Family Services, the 55237
Director of Budget and Management may increase the state share of 55238
appropriations in either appropriation item 600-525, Health 55239
Care/Medicaid, or appropriation item 600-526, Medicare Part D, 55240
with a corresponding decrease in the state share of the other 55241
appropriation item to allow the Department of Job and Family 55242
Services to implement and operate the new Medicare Part D 55243
requirements. If the state share of appropriation item 600-525, 55244
Health Care/Medicaid, is adjusted, the Director of Budget and 55245
Management shall adjust the federal share accordingly. 55246

Section 309.31.20. RESIDENT PROTECTION FUND 55247

If the Director of Budget and Management determines that the 55248
Resident Protection Fund created in section 5111.62 of the Revised 55249
Code has a cash balance, less encumbrances and appropriations, of 55250
more than \$2,000,000, the Department of Job and Family Services or 55251
its designee may issue a competitive request for grant proposals 55252
to support projects that will benefit the residents of nursing 55253
facilities that have been found to have deficiencies. The 55254
directors of Job and Family Services, Health, and Aging or their 55255
designees shall determine priority categories for funding, make 55256
awards, and determine which of the three agencies should 55257
administer each grant. Based on these determinations, the Director 55258

of Budget and Management may transfer cash and appropriations 55259
matching the amount of each award to the appropriate agency. Any 55260
such transfers are hereby appropriated. 55261

Section 309.31.30. OHIO ACCESS SUCCESS PROJECT 55262

Notwithstanding any limitations in sections 3721.51 and 55263
3721.56 of the Revised Code, in each fiscal year, cash from Fund 55264
4J5, Home and Community-Based Services for the Aged, in excess of 55265
the amounts needed for the transfers may be used by the Department 55266
of Job and Family Services for the following purposes: (A) up to 55267
\$1.0 million in each fiscal year to fund the state share of audits 55268
of nursing facilities and intermediate care facilities for the 55269
mentally retarded; and (B) up to \$350,000 in each fiscal year to 55270
provide one-time transitional benefits under the Ohio Access 55271
Success Project that the Director of Job and Family Services may 55272
establish under section 5111.88 of the Revised Code. 55273

Section 309.31.40. TRANSFER OF FUNDS TO THE DEPARTMENT OF 55274
AGING 55275

The Department of Job and Family Services shall transfer, 55276
through intrastate transfer vouchers, cash from Fund 4J5, Home and 55277
Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in 55278
the Department of Aging. The sum of the transfers shall be 55279
\$33,263,984 in each fiscal year. The transfer may occur on a 55280
quarterly basis or on a schedule developed and agreed to by both 55281
departments. 55282

Section 309.31.50. PROVIDER FRANCHISE FEE OFFSETS 55283

(A) At least quarterly, the Director of Job and Family 55284
Services shall certify to the Director of Budget and Management 55285
both of the following: 55286

(1) The amount of offsets withheld under section 3721.541 of 55287

the Revised Code from payments made from the General Revenue Fund.	55288
(2) The amount of offsets withheld under section 5112.341 of the Revised Code from payments made from the General Revenue Fund.	55289 55290
(B) The Director of Budget and Management may transfer cash from the General Revenue Fund to all of the following:	55291 55292
(1) Fund 4J5, Home and Community Based Services/Aged Fund, or Fund 5R2, Nursing Facility Stabilization Fund, in accordance with sections 3721.56 and 3721.561 of the Revised Code;	55293 55294 55295
(2) Fund 4K1, ICF/MR Bed Assessments.	55296
(C) Amounts transferred pursuant to this section are hereby appropriated.	55297 55298
Section 309.31.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES	55299 55300
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 each fiscal year. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments.	55301 55302 55303 55304 55305 55306 55307
Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES	55308
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 for transfers to Fund 4K8, Home and Community-Based Services, in the Department of Mental Retardation and Developmental Disabilities, may be used by the Department of Job and Family Services to cover costs of care provided to participants in a waiver with an ICF/MR level of care requirement administered by	55309 55310 55311 55312 55313 55314 55315 55316

the Department of Job and Family Services. 55317

Section 309.31.80. PAYMENTS FROM THE DEPARTMENT OF EDUCATION 55318
FOR MEDICAID SERVICES 55319

At the request of the Director of Job and Family Services, 55320
the Director of Budget and Management may increase the 55321
appropriation in appropriation item 600-639, Medicaid Revenue and 55322
Collections, by the amounts paid to the department pursuant to 55323
section 3317.023 of the Revised Code. 55324

Section 309.31.90. HOSPITAL CARE ASSURANCE MATCH 55325

Appropriation item 600-650, Hospital Care Assurance Match, 55326
shall be used by the Department of Job and Family Services solely 55327
for distributing funds to hospitals under section 5112.08 of the 55328
Revised Code. 55329

Section 309.32.10. HEALTH CARE SERVICES ADMINISTRATION FUND 55330

Of the amount received by the Department of Job and Family 55331
Services during fiscal year 2008 and fiscal year 2009 from the 55332
first installment of assessments paid under section 5112.06 of the 55333
Revised Code and intergovernmental transfers made under section 55334
5112.07 of the Revised Code, the Director of Job and Family 55335
Services shall deposit \$350,000 in each fiscal year into the state 55336
treasury to the credit of the Health Care Services Administration 55337
Fund (Fund 5U3). 55338

Section 309.32.20. MEDICAID PROGRAM SUPPORT FUND - STATE 55339

The foregoing appropriation item 600-671, Medicaid Program 55340
Support, shall be used by the Department of Job and Family 55341
Services to pay for Medicaid services and contracts. The 55342
Department may also deposit to Fund 5C9 revenues received from 55343
other state agencies for Medicaid services under the terms of 55344

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 Medicaid Program established under Chapter 5111. of the Revised Code.

Section 309.32.30. 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 309.32.40. PRESCRIPTION DRUG REBATE FUND

The foregoing appropriation item 600-692, Health Care Services, shall be used by the Department of Job and Family Services to pay for Medicaid services and contracts.

Section 309.32.50. DISABILITY DETERMINATION PROCESS

Based on the recommendations made by the Disability Determination Consolidation Study Council, the Rehabilitation Services Commission and the Department of Job and Family Services shall work together to reduce the duplication of activities performed by each agency and develop a systems interface so that medical information for mutual clients may be transferred between the agencies.

Section 309.40. FAMILY STABILITY

Section 309.40.10. WAIVER OF FOOD STAMP WORK REQUIREMENTS 55373

Pursuant to 7 U.S.C. 2015(o)(4)(A)(i), the Department of Job 55374
and Family Services shall request that the United States Secretary 55375
of Agriculture waive the applicability of the work requirement of 55376
7 U.S.C. 2015(o)(2) during fiscal years 2008 and 2009 to food 55377
stamp benefit recipients who reside in a county of this state that 55378
the Department determines has an unemployment rate of over 10 per 55379
cent or does not have a sufficient number of jobs to provide 55380
employment for the recipients. 55381

Section 309.40.20. FOOD STAMPS TRANSFER 55382

On July 1, 2007, or as soon as possible thereafter, the 55383
Director of Budget and Management may transfer up to \$1,000,000 in 55384
cash from Fund 384, Food Stamp-Federal, to Fund 5ES, Food Stamp 55385
Programs. 55386

**Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD 55387
BANKS** 55388

As used in this section, "federal poverty guidelines" has the 55389
same meaning as in section 5101.46 of the Revised Code. 55390

Notwithstanding section 5101.46 of the Revised Code, the 55391
Department of Job and Family Services shall provide \$5,500,000 in 55392
each fiscal year from the foregoing appropriation item 600-651, 55393
Second Harvest Food Banks, to the Ohio Association of Second 55394
Harvest Food Banks. The Department shall enter into a grant 55395
agreement with the Ohio Association of Second Harvest Food Banks 55396
to allow for the purchase of food products and the distribution of 55397
those food products to agencies participating in the emergency 55398
food distribution program. Notwithstanding section 5101.46 of the 55399
Revised Code, the grant may permit the Ohio Association of Second 55400
Harvest Food Banks to use up to 5 per cent of the annual funding 55401

for administrative costs. As soon as possible after entering into 55402
a grant agreement at the beginning of each fiscal year, the 55403
Department may advance grant funds to the grantee under section 55404
5101.10 of the Revised Code and in accordance with federal law. 55405

Prior to entering into the grant agreement, the Ohio 55406
Association of Second Harvest Food Banks shall submit to the 55407
Department for approval a plan for the distribution of the food 55408
products to local food distribution agencies. If the plan meets 55409
the requirements and conditions established by the Department, the 55410
plan shall be incorporated into the grant agreement. The grant 55411
agreement shall also require the Ohio Association of Second 55412
Harvest Food Banks to ensure that local agencies will limit 55413
participation of individuals and families who receive any of the 55414
food products purchased with these funds to those who have an 55415
income at or below 200 per cent of the federal poverty guidelines. 55416
The Department and the Ohio Association of Second Harvest Food 55417
Banks shall agree on reporting requirements to be incorporated 55418
into the grant agreement, including a statement of expected 55419
performance outcomes from the Ohio Association of Second Harvest 55420
Food Banks and a requirement for their evaluation of their success 55421
in achieving those outcomes. 55422

Section 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE 55423

The foregoing appropriation item 600-658, Child Support 55424
Collections, shall be used by the Department of Job and Family 55425
Services to meet the TANF maintenance of effort requirements of 42 55426
U.S.C. 609(a)(7). When the state is assured that it will meet the 55427
maintenance of effort requirement, the Department of Job and 55428
Family Services may use funds from appropriation item 600-658, 55429
Child Support Collections, to support child support activities. 55430

Section 309.40.40. TANF INITIATIVES 55431

The Department of Job and Family Services, in accordance with 55432
sections 5101.80 and 5101.801 of the Revised Code, shall take the 55433
steps necessary, through interagency agreement, adoption of rules, 55434
or otherwise as determined by the Department, to implement and 55435
administer the Title IV-A programs identified in this section. 55436

KINSHIP PERMANENCY INCENTIVE PROGRAM 55437

Of the foregoing appropriation item 600-689, TANF Block Grant 55438
(Fund 3V6), up to \$10 million per fiscal year shall be used to 55439
support the activities of the Kinship Permanency Incentive Program 55440
created under section 5101.802 of the Revised Code. 55441

The Department of Job and Family Services shall prepare 55442
reports concerning both of the following: 55443

(A) Stability and permanency outcomes for children for whom 55444
incentive payments are made under the Kinship Permanency Incentive 55445
Program; 55446

(B) The total amount of payments made under the Program, 55447
patterns of expenditures made per child under the Program, and 55448
cost savings realized through the Program from placement with 55449
kinship caregivers rather than other out-of-home placements. 55450

The Department shall submit a report to the Governor, the 55451
Speaker and Minority Leader of the House of Representatives, and 55452
the President and Minority Leader of the Senate not later than 55453
December 31, 2008, and December 31, 2010. 55454

Section 309.40.50. KINSHIP PERMANENCY INCENTIVE PROGRAM 55455
ELIGIBILITY INCREASE 55456

The amendments made by this act to section 5101.802 of the 55457
Revised Code shall not affect the eligibility of any kinship 55458
caregiver whose eligibility was established before the effective 55459
date of this section. 55460

OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 55461

Of the foregoing appropriation item 600-689, TANF Block Grant 55462
(Fund 3V6), the Department of Job and Family Services shall use up 55463
to \$600,000 in each fiscal year to support expenditures of the 55464
Ohio Alliance of Boys and Girls Clubs pursuant to section 5101.801 55465
of the Revised Code to provide after-school programs that protect 55466
at-risk children and enable youth to become responsible adults. 55467
The Ohio Alliance of Boys and Girls Clubs shall provide 55468
nutritional meals, snacks, and educational, youth development, and 55469
career development services to TANF eligible children 55470
participating in programs and activities operated by eligible Boys 55471
and Girls Clubs. 55472

The Department of Job and Family Services and the Ohio 55473
Alliance of Boys and Girls Clubs shall agree on reporting 55474
requirements to be incorporated into the grant agreement. 55475

CHILDREN'S HUNGER ALLIANCE 55476

Of the foregoing appropriation item 600-689, TANF Block Grant 55477
(Fund 3V6), up to \$500,000 in each fiscal year shall be reimbursed 55478
to the Children's Hunger Alliance pursuant to section 5101.801 of 55479
the Revised Code for Child Nutrition Program outreach efforts. 55480

SCHOOL READINESS ENRICHMENT 55481

Of the foregoing appropriation item 600-689, TANF Block Grant 55482
(Fund 3V6), up to \$6,500,000 in each fiscal year shall be used for 55483
TANF eligible activities pursuant to section 5101.801 of the 55484
Revised Code to provide intervention services to prepare children 55485
for kindergarten. 55486

FOOD BANKS 55487

Of the foregoing appropriation item 600-689, TANF Block Grant 55488
(Fund 3V6), up to \$1,500,000 in each fiscal year shall be used to 55489
reimburse the Ohio network of food banks pursuant to section 55490
5101.801 of the Revised Code for purchases and distribution of 55491
food products. 55492

GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES	55493
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$13,000,000 in each fiscal year shall be used to reimburse the Governor's Office for Faith-Based and Community Initiatives pursuant to section 5101.801 of the Revised Code for projects designed to serve the state's most vulnerable citizens.	55494 55495 55496 55497 55498
ADOPTION PROMOTION	55499
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$5,000,000 in each fiscal year shall be used for TANF eligible activities pursuant to section 5101.801 of the Revised Code to provide additional support for initiatives aimed at increasing the number of adoptions including recruiting, promoting, and supporting adoptive families.	55500 55501 55502 55503 55504 55505
INDEPENDENT LIVING INITIATIVES	55506
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$2,500,000 in each fiscal year shall be used for TANF eligible activities pursuant to section 5101.801 of the Revised Code to support the independent living initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care.	55507 55508 55509 55510 55511 55512 55513
CLOSING THE ACHIEVEMENT GAP	55514
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$10,000,000 in each fiscal year shall be used for TANF eligible activities pursuant to section 5101.801 of the Revised Code to provide intervention services aimed at improving the African-American male graduation rate.	55515 55516 55517 55518 55519
HOME ENERGY ASSISTANCE PROGRAM	55520
The Department of Job and Family Services shall transfer, through intrastate transfer voucher, \$45,000,000 in cash in fiscal	55521 55522

year 2008 and \$15,000,000 in fiscal year 2009 from Fund 3V6, TANF 55523
Block Grant, to Fund 3BJ, TANF Heating Assistance, in the 55524
Department of Development, in accordance with an interagency 55525
agreement. The Departments of Job and Family Services and 55526
Development shall enter into an interagency agreement for 55527
providing reimbursement to the Department of Development to 55528
administer the Title IV-A funded Home Energy Assistance Program 55529
(HEAP), which provides assistance with home energy fuel costs to 55530
needy families with children. 55531

Section 309.40.60. EARLY LEARNING INITIATIVE 55532

(A) As used in this section: 55533

(1) "Title IV-A services" means benefits and services that 55534
are allowable under Title IV-A of the "Social Security Act," as 55535
specified in 42 U.S.C. 604(a), except that they shall not be 55536
benefits and services included in the term "assistance" as defined 55537
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 55538
excluded from the definition of the term "assistance" under 45 55539
C.F.R. 260.31(b). 55540

(2) "Title IV-A funds" means funds provided under the 55541
temporary assistance for needy families block grant established by 55542
Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 55543
U.S.C. 601, as amended. 55544

(3) "Eligible child" means a child who is at least three 55545
years of age but not of compulsory school age or enrolled in 55546
kindergarten, is eligible for Title IV-A services, and whose 55547
family income at the time of application does not exceed one 55548
hundred eighty-five per cent of the federal poverty line in fiscal 55549
year 2008 or two hundred per cent of the federal poverty line in 55550
fiscal year 2009. 55551

(4) "Early learning program" means a program for eligible 55552

children that is funded with Title IV-A funds and provides Title 55553
IV-A services, according to the purposes listed in 45 C.F.R. 55554
260.20(c), that are early learning services, as defined by 55555
pursuant to division (D)(1) of this section. 55556

(5) "Early learning provider" means an entity that is 55557
receiving Title IV-A funds to operate an early learning program. 55558

(6) "Early learning agency" means an early learning provider 55559
or an entity that has entered into an agreement with an early 55560
learning provider requiring the early learning provider to operate 55561
an early learning program on behalf of the entity. 55562

(7) "Federal poverty line" has the same meaning as in section 55563
5104.01 of the Revised Code. 55564

(8) "Of compulsory school age" has the same meaning as in 55565
section 3321.01 of the Revised Code. 55566

(B) The Early Learning Initiative is hereby established. The 55567
Department of Education and the Department of Job and Family 55568
Services shall administer the Initiative in accordance with 55569
sections 5101.80 and 5101.801 of the Revised Code. The Initiative 55570
shall provide early learning services to eligible children. Early 55571
learning programs may provide early learning services on a 55572
full-day basis, a part-day basis, or both a full-day and part-day 55573
basis. 55574

(C) The Department of Job and Family Services shall do both 55575
of the following: 55576

(1) Reimburse early learning agencies for Title IV-A services 55577
provided to eligible children according to the terms of the 55578
contract and the rules adopted under division (C)(2) of this 55579
section; 55580

(2) In consultation with the Department of Education, adopt 55581
rules in accordance with Chapter 119. of the Revised Code to 55582

implement the Early Learning Initiative. The rules shall include 55583
all of the following: 55584

(a) Provisions regarding the establishment of co-payments for 55585
families of eligible children whose family income is more than one 55586
hundred sixty-five per cent of the federal poverty line but equal 55587
to or less than the maximum amount of family income authorized for 55588
an eligible child as defined in division (A)(3) of this section; 55589

(b) An exemption from co-payment requirements for families 55590
whose family income is equal to or less than one hundred 55591
sixty-five per cent of the federal poverty line; 55592

(c) A definition of "enrollment" for the purpose of 55593
compensating early learning agencies; 55594

(d) Provisions that establish compensation rates for early 55595
learning agencies based on the enrollment of eligible children. 55596

(D) The Department of Education shall do all of the 55597
following: 55598

(1) Define the early learning services that will be provided 55599
to eligible children through the Early Learning Initiative; 55600

(2) In consultation with the Department of Job and Family 55601
Services, develop an application form and criteria for the 55602
selection of early learning agencies. The criteria shall require 55603
an early learning agency, or each early learning provider with 55604
which the agency has entered into an agreement for the operation 55605
of an early learning program on the agency's behalf, to be 55606
licensed or certified by the Department of Education under 55607
sections 3301.52 to 3301.59 of the Revised Code or by the 55608
Department of Job and Family Services under Chapter 5104. of the 55609
Revised Code; 55610

(3) Establish early learning program guidelines for school 55611
readiness to assess the operation of early learning programs. 55612

(E) Any entity that seeks to be an early learning agency 55613
shall apply to the Department of Education by a deadline 55614
established by the Department. The Department of Education shall 55615
select entities that meet the criteria established under division 55616
(D)(2) of this section to be early learning agencies. Upon 55617
selection of an entity to be an early learning agency, the 55618
Department of Education shall designate the number of eligible 55619
children the agency may enroll. The Department of Education shall 55620
notify the Department of Job and Family Services of the number so 55621
designated. 55622

(F) The Department of Education and the Department of Job and 55623
Family Services shall enter into a contract with each early 55624
learning agency selected under division (E) of this section. The 55625
requirements of section 127.16 of the Revised Code do not apply to 55626
contracts entered into under this section. The contract shall 55627
outline the terms and conditions applicable to the provision of 55628
Title IV-A services for eligible children and shall include at 55629
least the following: 55630

(1) The respective duties of the early learning agency, the 55631
Department of Education, and the Department of Job and Family 55632
Services; 55633

(2) Requirements applicable to the allowable use of and 55634
accountability for Title IV-A compensation paid under the 55635
contract; 55636

(3) Reporting requirements, including a requirement that the 55637
early learning provider inform the Department of Education when 55638
the provider learns that a kindergarten eligible child will not be 55639
enrolled in kindergarten; 55640

(4) The compensation schedule payable under the contract; 55641

(5) Audit requirements; 55642

(6) Provisions for suspending, modifying, or terminating the 55643

contract. 55644

(G) 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 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. 55645
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(H) If an early learning agency fails to implement a corrective action plan under division (G) of this section, the Department of Education may direct the Department of Job and Family Services to either withhold funding or request that the Department of Job and Family Services suspend or terminate the contract with the agency. 55653
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(I) Each early learning program shall do all of the following: 55659
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(1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code; 55661
55662

(2) Align curriculum to the early learning content standards; 55663

(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that apply to the program; 55664
55665

(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 biennium of professional development as prescribed by the Department of Education regarding the implementation of early learning program guidelines for school readiness; 55666
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(5) Document and report child progress; 55672

(6) Meet and report compliance with the early learning 55673

program guidelines for school success; 55674

(7) Participate in early language and literacy classroom 55675
observation evaluation studies. 55676

(J) Each county Department of Job and Family Services shall 55677
determine eligibility for Title IV-A services for children seeking 55678
to enroll in an early learning program within fifteen days after 55679
receipt of a completed application in accordance with rules 55680
adopted under this section. 55681

(K) The provision of early learning services in an early 55682
learning program shall not prohibit or otherwise prevent an 55683
individual from obtaining certificates for payment under division 55684
(C) of section 5104.32 of the Revised Code. 55685

(L) Notwithstanding section 126.07 of the Revised Code: 55686

(1) Any fiscal year 2008 contract executed prior to July 1, 55687
2007, between the Departments of Job and Family Services and 55688
Education and an early learning agency that was not an early 55689
learning agency as of June 30, 2007, shall be deemed to be 55690
effective as of July 1, 2007, upon issuance of a state purchase 55691
order, even if the purchase order is approved at some later date. 55692

(2) Any fiscal year 2008 contract executed between the 55693
Departments of Job and Family Services and Education and an early 55694
learning agency that had a valid contract for early learning 55695
services on June 30, 2007, shall be deemed to be effective as of 55696
July 1, 2007, upon the issuance of a state purchase order, even if 55697
the purchase order is approved at some later date. 55698

(3) Any fiscal year 2009 contract executed prior to July 1, 55699
2008, between the Departments of Job and Family Services and 55700
Education and an early learning agency that was not an early 55701
learning agency as of June 30, 2008, shall be deemed to be 55702
effective as of July 1, 2008, upon issuance of a state purchase 55703
order, even if the purchase order is approved at some later date. 55704

(4) Any fiscal year 2009 contract executed between the 55705
Departments of Job and Family Services and Education and an early 55706
learning agency that had a valid contract for early learning 55707
services on June 30, 2008, shall be deemed to be effective as of 55708
July 1, 2008, upon the issuance of a state purchase order, even if 55709
the purchase order is approved at some later date. 55710

(M) Of the foregoing appropriation item 600-689, TANF Block 55711
Grant (Fund 3V6), up to \$125,256,000 shall be used in each fiscal 55712
year to compensate early learning agencies under this section. The 55713
Departments of Job and Family Services and Education shall 55714
contract for up to 12,000 enrollment slots for eligible children 55715
in each fiscal year through the Early Learning Initiative. 55716

(N) Of the foregoing appropriation item 600-689, TANF Block 55717
Grant (Fund 3V6), up to \$800,000 in each fiscal year may be used 55718
by the Department of Job and Family Services for administration of 55719
the Early Learning Initiative. 55720

(O) Up to \$2,200,000 in each fiscal year may be used by the 55721
Department of Education to perform administrative functions for 55722
the Early Learning Initiative. The Department of Job and Family 55723
Services shall transfer, through intrastate transfer vouchers, 55724
cash from Fund 3V6, TANF Block Grant, to Fund 5W2, Early Learning 55725
Initiative, in the Department of Education. The amount transferred 55726
shall not exceed \$2,200,000 in fiscal year 2008 and \$2,200,000 in 55727
fiscal year 2009. The transfer shall occur on a reimbursement 55728
basis on a schedule developed and agreed to by both departments. 55729

Section 309.50. CHILDREN AND FAMILIES 55730

Section 309.50.10. CHILD WELFARE TRAINING INITIATIVE 55731

In each fiscal year, the Department of Job and Family 55732
Services shall grant \$50,000 from appropriation item 600-528, 55733
Adoption Services, and \$150,000 from appropriation item 600-606, 55734

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.

ADOPTION LAWSITE INITIATIVE

In each fiscal year, the Department of Job and Family Services shall grant \$37,500 from appropriation item 600-528, Adoption Services, and \$112,500 from appropriation item 600-606, Child Welfare (Fund 327), to the National Center for Adoption Law and Policy to fund expansion of the Adoption LawSite Initiative.

Section 309.50.20. CHILDREN'S TRUST FUND

Notwithstanding sections 3109.13 to 3109.18 of the Revised Code, in each fiscal year, 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.

Section 309.70. WORKFORCE DEVELOPMENT

Section 309.70.10. TRANSFER TO THE MILITARY INJURY RELIEF FUND

In each year of the biennium, the Director of Job and Family Services shall certify to the Director of Budget and Management the total amount of incentive grants deposited into Fund 331, Federal Operating, on behalf of state and county employees and other individuals, entities, and persons with exemplary service to veterans under an approved employment service delivery program defined in the "Jobs for Veterans Act," 116 Stat. 2033 (2002), as approved by the United States Department of Labor. The Director of

Budget and Management shall transfer cash equal to the amount 55764
certified by the Director of Job and Family Services from Fund 331 55765
to Fund 5DB, Military Injury Grants. The transferred funds shall 55766
be used to support grants to eligible individuals under section 55767
5101.98 of the Revised Code and rules adopted in accordance with 55768
that section. 55769

Section 309.70.20. WORKFORCE DEVELOPMENT GRANT AGREEMENT 55770

The Department of Job and Family Services may use 55771
appropriations from appropriation item 600-688, Workforce 55772
Investment Act, to provide financial assistance for workforce 55773
development activities included in a grant agreement entered into 55774
by the department in accordance with section 5101.20 of the 55775
Revised Code. 55776

OHIO STATE APPRENTICESHIP COUNCIL 55777

Of the foregoing appropriation item 600-688, Workforce 55778
Investment Act, up to \$1,900,000 in fiscal year 2008 and up to 55779
\$2,200,000 in fiscal year 2009 may be used to support the 55780
activities of the Ohio State Apprenticeship Council. 55781

YOUTH EMPLOYMENT PROGRAMS 55782

Of the foregoing appropriation item 600-688, Workforce 55783
Investment Act, up to \$6,000,000 over the biennium shall be used 55784
for competitive grants to eight major urban centers and four other 55785
locations, at least two of which are rural, to provide strategies 55786
and programs that meet the needs of at-risk youth. The program 55787
shall target youth who have disengaged from the education system 55788
and youthful offenders who will be returning to their communities. 55789
Eligible grant applications include governmental units, workforce 55790
investment boards, and not-for-profit and for-profit entities. 55791
Grant funds may be used for youth wages and benefits, supervisory 55792
costs, training and support costs, and infrastructure expenses. 55793

Grant funds may not be used for construction or renovation of 55794
facilities. 55795

Section 309.80. UNEMPLOYMENT COMPENSATION 55796

Section 309.80.10. EMPLOYER SURCHARGE 55797

The surcharge and the interest on the surcharge amounts due 55798
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 55799
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 55800
118th General Assembly, and section 4141.251 of the Revised Code 55801
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 55802
General Assembly, again shall be assessed and collected by, 55803
accounted for, and made available to the Department of Job and 55804
Family Services in the same manner as set forth in section 55805
4141.251 of the Revised Code as it existed prior to its repeal by 55806
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 55807
repeal of the surcharge for calendar years after 1990, pursuant to 55808
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 55809
received by the Director on or after July 1, 2001, shall be 55810
deposited into the Unemployment Compensation Special 55811
Administrative Fund (Fund 4A9) established pursuant to section 55812
4141.11 of the Revised Code. 55813

Section 309.80.20. FEDERAL UNEMPLOYMENT PROGRAMS 55814

All unexpended funds remaining at the end of fiscal year 2007 55815
that were appropriated and made available to the state under 55816
section 903(d) of the Social Security Act, as amended, in the 55817
foregoing appropriation item 600-678, Federal Unemployment 55818
Programs (Fund 3V4), are hereby appropriated to the Department of 55819
Job and Family Services. Upon the request of the Director of Job 55820
and Family Services, the Director of Budget and Management may 55821
increase the appropriation for fiscal year 2008 by the amount 55822
remaining unspent from the fiscal year 2007 appropriation and may 55823

increase the appropriation for fiscal year 2009 by the amount 55824
remaining unspent from the fiscal year 2008 appropriation. The 55825
appropriation shall be used under the direction of the Department 55826
of Job and Family Services to pay for administrative activities 55827
for the Unemployment Insurance Program, employment services, and 55828
other allowable expenditures under section 903(d) of the Social 55829
Security Act, as amended. 55830

The amounts obligated pursuant to this section shall not 55831
exceed at any time the amount by which the aggregate of the 55832
amounts transferred to the account of the state under section 55833
903(d) of the Social Security Act, as amended, exceeds the 55834
aggregate of the amounts obligated for administration and paid out 55835
for benefits and required by law to be charged against the amounts 55836
transferred to the account of the state. 55837

Section 311.10. JCO JUDICIAL CONFERENCE OF OHIO 55838

General Revenue Fund 55839

GRF 018-321 Operating Expenses \$ 1,269,430 \$ 1,329,193 55840

TOTAL GRF General Revenue Fund \$ 1,269,430 \$ 1,329,193 55841

General Services Fund Group 55842

403 018-601 Ohio Jury Instructions \$ 350,000 \$ 350,000 55843

TOTAL GSF General Services Fund \$ 350,000 \$ 350,000 55844

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,619,430 \$ 1,679,193 55845

STATE COUNCIL OF UNIFORM STATE LAWS 55846

Notwithstanding section 105.26 of the Revised Code, of the 55847
foregoing appropriation item 018-321, Operating Expenses, up to 55848
\$71,000 in fiscal year 2008 and up to \$73,000 in fiscal year 2009 55849
may be used to pay the expenses of the State Council of Uniform 55850
State Laws, including membership dues to the National Conference 55851
of Commissioners on Uniform State Laws. 55852

OHIO JURY INSTRUCTIONS FUND 55853

The Ohio Jury Instructions Fund (Fund 403) shall consist of 55854
 grants, royalties, dues, conference fees, bequests, devises, and 55855
 other gifts received for the purpose of supporting costs incurred 55856
 by the Judicial Conference of Ohio in dispensing educational and 55857
 informational data to the state's judicial system. Fund 403 shall 55858
 be used by the Judicial Conference of Ohio to pay expenses 55859
 incurred in dispensing educational and informational data to the 55860
 state's judicial system. All moneys accruing to Fund 403 in excess 55861
 of \$350,000 in fiscal year 2008 and in excess of \$350,000 in 55862
 fiscal year 2009 are hereby appropriated for the purposes 55863
 authorized. 55864

No money in the Ohio Jury Instructions Fund shall be 55865
 transferred to any other fund by the Director of Budget and 55866
 Management or the Controlling Board. 55867

Section 313.10. JSC THE JUDICIARY/SUPREME COURT 55868

General Revenue Fund 55869

GRF 005-321 Operating Expenses - \$ 127,778,192 \$ 133,144,970 55870
 Judiciary/Supreme
 Court

GRF 005-401 State Criminal \$ 331,500 \$ 336,770 55871
 Sentencing Council

GRF 005-406 Law-Related Education \$ 229,290 \$ 236,172 55872

GRF 005-409 Ohio Courts Technology \$ 4,000,000 \$ 6,500,000 55873
 Initiative

GRF 005-502 Commission for Legal \$ 250,000 \$ 350,000 55874
 Education Opportunity

TOTAL GRF General Revenue Fund \$ 132,588,982 \$ 140,567,912 55875

General Services Fund Group 55876

672 005-601 Continuing Judicial \$ 136,000 \$ 140,000 55877

Education

TOTAL GSF General Services Fund	\$	136,000	\$	140,000	55878
Group					
Federal Special Revenue Fund Group					55879
3J0 005-603 Federal Grants	\$	1,518,491	\$	1,467,693	55880
TOTAL FED Federal Special Revenue	\$	1,518,491	\$	1,467,693	55881
Fund Group					
State Special Revenue Fund Group					55882
4C8 005-605 Attorney Services	\$	3,841,416	\$	3,936,058	55883
5T8 005-609 Grants and Awards	\$	100,000	\$	100,000	55884
6A8 005-606 Supreme Court	\$	1,496,633	\$	1,541,532	55885
Admissions					
TOTAL SSR State Special Revenue	\$	5,438,049	\$	5,577,590	55886
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	139,681,522	\$	147,753,195	55887

LAW-RELATED EDUCATION

The foregoing appropriation item 005-406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs.

OHIO COURTS TECHNOLOGY INITIATIVE

The foregoing appropriation item 005-409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the

development and implementation of educational and training 55904
programs for judges and court personnel, and the creation and 55905
operation of the Commission on Technology and the Courts by the 55906
Supreme Court for the promulgation of statewide rules, policies, 55907
and uniform standards, and to aid in the orderly adoption and 55908
comprehensive use of technology in Ohio courts. 55909

COMMISSION FOR LEGAL EDUCATION OPPORTUNITY 55910

The foregoing appropriation item 005-502, Commission for 55911
Legal Education Opportunity, shall be used to fund activities of 55912
the Commission for Legal Education Opportunity created by the 55913
Chief Justice of the Supreme Court of Ohio for purposes of 55914
assisting minority, low-income, and educationally disadvantaged 55915
college graduates in transition to legal education. Moneys 55916
appropriated to the Commission for Legal Education Opportunity may 55917
be used to establish and provide intensive course study designed 55918
to prepare eligible college graduates for law education, provide 55919
annual stipends for students who successfully complete the course 55920
of study and are admitted to and maintain satisfactory academic 55921
standing in an Ohio law school, and pay the administrative costs 55922
associated with the program. 55923

CONTINUING JUDICIAL EDUCATION 55924

The Continuing Judicial Education Fund (Fund 672) shall 55925
consist of fees paid by judges and court personnel for attending 55926
continuing education courses and other gifts and grants received 55927
for the purpose of continuing judicial education. The foregoing 55928
appropriation item 005-601, Continuing Judicial Education, shall 55929
be used to pay expenses for continuing education courses for 55930
judges and court personnel. If it is determined by the 55931
Administrative Director of the Supreme Court that additional 55932
appropriations are necessary, the amounts are hereby appropriated. 55933

No money in the Continuing Judicial Education Fund shall be 55934

transferred to any other fund by the Director of Budget and 55935
Management or the Controlling Board. Interest earned on moneys in 55936
the Continuing Judicial Education Fund shall be credited to the 55937
fund. 55938

FEDERAL GRANTS 55939

The Federal Grants Fund (Fund 3J0) shall consist of grants 55940
and other moneys awarded to the Supreme Court (The Judiciary) by 55941
the United States Government or other entities that receive the 55942
moneys directly from the United States Government and distribute 55943
those moneys to the Supreme Court (The Judiciary). The foregoing 55944
appropriation item 005-603, Federal Grants, shall be used in a 55945
manner consistent with the purpose of the grant or award. If it is 55946
determined by the Administrative Director of the Supreme Court 55947
that additional appropriations are necessary, the amounts are 55948
hereby appropriated. 55949

No money in the Federal Grants Fund shall be transferred to 55950
any other fund by the Director of Budget and Management or the 55951
Controlling Board. However, interest earned on moneys in the 55952
Federal Grants Fund shall be credited or transferred to the 55953
General Revenue Fund. 55954

ATTORNEY SERVICES 55955

The Attorney Services Fund (Fund 4C8), formerly known as the 55956
Attorney Registration Fund, shall consist of moneys received by 55957
the Supreme Court (The Judiciary) pursuant to the Rules for the 55958
Government of the Bar of Ohio. In addition to funding other 55959
activities considered appropriate by the Supreme Court, the 55960
foregoing appropriation item 005-605, Attorney Services, may be 55961
used to compensate employees and to fund appropriate activities of 55962
the following offices established by the Supreme Court: the Office 55963
of Disciplinary Counsel, the Board of Commissioners on Grievances 55964
and Discipline, the Clients' Security Fund, and the Attorney 55965

Services Division. If it is determined by the Administrative 55966
Director of the Supreme Court that additional appropriations are 55967
necessary, the amounts are hereby appropriated. 55968

No moneys in the Attorney Services Fund shall be transferred 55969
to any other fund by the Director of Budget and Management or the 55970
Controlling Board. Interest earned on moneys in the Attorney 55971
Services Fund shall be credited to the fund. 55972

GRANTS AND AWARDS 55973

The Grants and Awards Fund (Fund 5T8) shall consist of grants 55974
and other moneys awarded to the Supreme Court (The Judiciary) by 55975
the State Justice Institute, the Division of Criminal Justice 55976
Services, or other entities. The foregoing appropriation item 55977
005-609, Grants and Awards, shall be used in a manner consistent 55978
with the purpose of the grant or award. If it is determined by the 55979
Administrative Director of the Supreme Court that additional 55980
appropriations are necessary, the amounts are hereby appropriated. 55981

No moneys in the Grants and Awards Fund shall be transferred 55982
to any other fund by the Director of Budget and Management or the 55983
Controlling Board. However, interest earned on moneys in the 55984
Grants and Awards Fund shall be credited or transferred to the 55985
General Revenue Fund. 55986

SUPREME COURT ADMISSIONS 55987

The foregoing appropriation item 005-606, Supreme Court 55988
Admissions, shall be used to compensate Supreme Court employees 55989
who are primarily responsible for administering the attorney 55990
admissions program under the Rules for the Government of the Bar 55991
of Ohio, and to fund any other activities considered appropriate 55992
by the court. Moneys shall be deposited into the Supreme Court 55993
Admissions Fund (Fund 6A8) under the Supreme Court Rules for the 55994
Government of the Bar of Ohio. If it is determined by the 55995
Administrative Director of the Supreme Court that additional 55996

appropriations are necessary, the amounts are hereby appropriated. 55997

No moneys in the Supreme Court Admissions Fund shall be 55998
transferred to any other fund by the Director of Budget and 55999
Management or the Controlling Board. Interest earned on moneys in 56000
the Supreme Court Admissions Fund shall be credited to the fund. 56001

FUND ELIMINATION 56002

Effective July 1, 2007, or as soon as practicable thereafter, 56003
the Director of Budget and Management shall transfer the cash 56004
balance in the Commission on Continuing Legal Education Fund (Fund 56005
643) to the Attorney Services Fund (Fund 4C8). The director shall 56006
cancel any existing encumbrances against appropriation item 56007
005-607, Commission on Continuing Legal Education, and 56008
re-establish them against appropriation item 005-605, Attorney 56009
Services. The amounts of the re-established encumbrances are 56010
hereby appropriated. Upon completion of these transfers, the 56011
Commission on Continuing Legal Education Fund (Fund 643) is hereby 56012
abolished. 56013

Section 315.10. LEC LAKE ERIE COMMISSION 56014

State Special Revenue Fund Group 56015

4C0 780-601 Lake Erie Protection	\$	450,000	\$	450,000	56016
Fund					

5D8 780-602 Lake Erie Resources	\$	387,000	\$	388,000	56017
Fund					

TOTAL SSR State Special Revenue 56018

Fund Group	\$	837,000	\$	838,000	56019
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TOTAL ALL BUDGET FUND GROUPS	\$	837,000	\$	838,000	56020
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CASH TRANSFER 56021

Not later than the thirtieth day of November of each fiscal 56022
year, the Executive Director of the Ohio Lake Erie Office, with 56023
the approval of the Lake Erie Commission, shall certify to the 56024

Director of Budget and Management the cash balance in the Lake Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet operating expenses of the Lake Erie Office. The Lake Erie Office may request the Director of Budget and Management to transfer up to the certified amount from the Lake Erie Resources Fund (Fund 5D8) to the Lake Erie Protection Fund (Fund 4C0). The Director of Budget and Management may transfer the requested amount, or the Director may transfer a different amount up to the certified amount. Cash transferred shall be used for the purposes described in division (A) of section 1506.23 of the Revised Code. The amount transferred by the director is hereby appropriated to the foregoing appropriation item 780-601, Lake Erie Protection Fund, which shall be increased by the amount transferred.

Section 317.10. LRS LEGAL RIGHTS SERVICE

General Revenue Fund					56039
GRF 054-321 Support Services	\$	198,075	\$	198,075	56040
GRF 054-401 Ombudsman	\$	291,247	\$	291,247	56041
TOTAL GRF General Revenue Fund	\$	489,322	\$	489,322	56042
General Services Fund Group					56043
5M0 054-610 Program Support	\$	81,352	\$	81,352	56044
5M0 054-617 Martin Settlement	\$	150,000	\$	0	56045
TOTAL GSF General Services					56046
Fund Group	\$	231,352	\$	81,352	56047
Federal Special Revenue Fund Group					56048
3AG 054-613 Protection and Advocacy - Voter Accessibility	\$	115,000	\$	115,000	56049
3B8 054-603 Protection and Advocacy - Mentally Ill	\$	1,089,999	\$	1,089,999	56050
3CA 054-615 Work Incentives	\$	355,000	\$	355,000	56051

Management shall transfer \$150,000 in cash from the General Revenue Fund to the Program Income Fund (Fund 5MO). 56069
56070

Section 319.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 56071

General Revenue Fund 56072

GRF 028-321 Legislative Ethics \$ 550,000 \$ 550,000 56073
Committee

TOTAL GRF General Revenue Fund \$ 550,000 \$ 550,000 56074

General Services Fund Group 56075

4G7 028-601 Joint Legislative \$ 100,000 \$ 100,000 56076
Ethics Committee

TOTAL GSF General Services Fund \$ 100,000 \$ 100,000 56077

Group

TOTAL ALL BUDGET FUND GROUPS \$ 650,000 \$ 650,000 56078

Section 321.10. LSC LEGISLATIVE SERVICE COMMISSION 56079

General Revenue Fund 56080

GRF 035-321 Operating Expenses \$ 16,186,691 \$ 16,186,691 56081

GRF 035-402 Legislative Interns \$ 1,022,120 \$ 1,022,120 56082

GRF 035-405 Correctional \$ 393,900 \$ 393,900 56083
Institution Inspection
Committee

GRF 035-409 National Associations \$ 460,560 \$ 460,560 56084

GRF 035-410 Legislative \$ 3,661,250 \$ 3,661,250 56085
Information Systems

TOTAL GRF General Revenue Fund \$ 21,724,521 \$ 21,724,521 56086

General Services Fund Group 56087

4F6 035-603 Legislative Budget \$ 154,025 \$ 154,025 56088
Services

410 035-601 Sale of Publications \$ 25,250 \$ 25,250 56089

5EF 035-607 House and Senate \$ 30,000 \$ 30,000 56090
Telephone Usage

TOTAL GSF General Services				56091
Fund Group	\$	209,275	\$ 209,275	56092
TOTAL ALL BUDGET FUND GROUPS	\$	21,933,796	\$ 21,933,796	56093
JOINT LEGISLATIVE COMMITTEE ON MEDICAID TECHNOLOGY AND REFORM				56094
Of the foregoing appropriation item 035-321, Operating				56095
Expenses, \$100,000 in each fiscal year shall be used for costs				56096
associated with employing an executive director for the Joint				56097
Legislative Committee on Medicaid Technology and Reform as				56098
authorized by division (C) of section 101.391 of the Revised Code.				56099
Section 323.10. LIB STATE LIBRARY BOARD				56100
General Revenue Fund				56101
GRF 350-321 Operating Expenses	\$	6,298,677	\$ 6,298,677	56102
GRF 350-400 Ohio Public Library	\$	4,330,000	\$ 4,330,000	56103
Information Network				
GRF 350-401 Ohioana Rental	\$	124,816	\$ 124,816	56104
Payments				
GRF 350-501 Library for the	\$	535,615	\$ 535,615	56105
Blind-Cincinnati				
GRF 350-502 Regional Library	\$	1,010,441	\$ 1,010,441	56106
Systems				
GRF 350-503 Library for the	\$	805,642	\$ 805,642	56107
Blind-Cleveland				
TOTAL GRF General Revenue Fund	\$	13,105,191	\$ 13,105,191	56108
General Services Fund Group				56109
139 350-602 Intra-Agency Service	\$	9,000	\$ 9,000	56110
Charges				
4S4 350-604 Ohio Public Library	\$	3,000,000	\$ 3,000,000	56111
Information Network				
Technology				
459 350-602 Library Service	\$	2,708,092	\$ 2,708,092	56112
Charges				

TOTAL GSF General Services				56113	
Fund Group	\$	5,717,092	\$	5,717,092	56114
Federal Special Revenue Fund Group				56115	
313 350-601 LSTA Federal	\$	5,691,792	\$	5,691,792	56116
TOTAL FED Federal Special Revenue				56117	
Fund Group	\$	5,691,792	\$	5,691,792	56118
TOTAL ALL BUDGET FUND GROUPS	\$	24,514,075	\$	24,514,075	56119
OHIOANA RENTAL PAYMENTS				56120	
The foregoing appropriation item 350-401, Ohioana Rental				56121	
Payments, shall be used to pay the rental expenses of the Martha				56122	
Kinney Cooper Ohioana Library Association pursuant to section				56123	
3375.61 of the Revised Code.				56124	
LIBRARY FOR THE BLIND-CINCINNATI				56125	
The foregoing appropriation item 350-501, Library for the				56126	
Blind-Cincinnati, shall be used for the Talking Book program,				56127	
which assists the blind and disabled.				56128	
REGIONAL LIBRARY SYSTEMS				56129	
The foregoing appropriation item 350-502, Regional Library				56130	
Systems, shall be used to support regional library systems				56131	
eligible for funding under sections 3375.83 and 3375.90 of the				56132	
Revised Code.				56133	
LIBRARY FOR THE BLIND-CLEVELAND				56134	
The foregoing appropriation item 350-503, Library for the				56135	
Blind-Cleveland, shall be used for the Talking Book program, which				56136	
assists the blind and disabled.				56137	
OHIO PUBLIC LIBRARY INFORMATION NETWORK				56138	
The foregoing appropriation items 350-604, Ohio Public				56139	
Library Information Network Technology, and 350-400, Ohio Public				56140	
Library Information Network, shall be used for an information				56141	
telecommunications network linking public libraries in the state				56142	

and such others as may be certified as participants by the Ohio Public Library Information Network Board. 56143
56144

The Ohio Public Library Information Network Board shall 56145
consist of eleven members appointed by the State Library Board 56146
from among the staff of public libraries and past and present 56147
members of boards of trustees of public libraries, based on the 56148
recommendations of the Ohio library community. The Ohio Public 56149
Library Information Network Board, in consultation with the State 56150
Library, shall develop a plan of operations for the network. The 56151
board may make decisions regarding use of the foregoing 56152
appropriation items 350-400, Ohio Public Library Information 56153
Network, and 350-604, Ohio Public Library Information Network 56154
Technology, may receive and expend grants to carry out the 56155
operations of the network in accordance with state law and the 56156
authority to appoint and fix the compensation of a director and 56157
necessary staff. The State Library shall be the fiscal agent for 56158
the network and shall have fiscal accountability for the 56159
expenditure of funds. The Ohio Public Library Information Network 56160
Board members shall be reimbursed for actual travel and necessary 56161
expenses incurred in carrying out their responsibilities. 56162

In order to limit access to obscene and illegal materials 56163
through internet use at Ohio Public Library Information Network 56164
(OPLIN) terminals, local libraries with OPLIN computer terminals 56165
shall adopt policies that control access to obscene and illegal 56166
materials. These policies may include use of technological systems 56167
to select or block certain internet access. The OPLIN shall 56168
condition provision of its funds, goods, and services on 56169
compliance with these policies. The OPLIN Board shall also adopt 56170
and communicate specific recommendations to local libraries on 56171
methods to control such improper usage. These methods may include 56172
each library implementing a written policy controlling such 56173
improper use of library terminals and requirements for parental 56174

involvement or written authorization for juvenile internet usage. 56175

Of the foregoing appropriation item 350-400, Ohio Public 56176
Library Information Network, up to \$100,000 in each fiscal year 56177
shall be used to help local libraries purchase or maintain filters 56178
to screen out obscene and illegal internet materials. 56179

The OPLIN Board shall research and assist or advise local 56180
libraries with regard to emerging technologies and methods that 56181
may be effective means to control access to obscene and illegal 56182
materials. The OPLIN Executive Director shall biannually provide 56183
written reports to the Governor, the Speaker and Minority Leader 56184
of the House of Representatives, and the President and Minority 56185
Leader of the Senate on any steps being taken by OPLIN and public 56186
libraries in the state to limit and control such improper usage as 56187
well as information on technological, legal, and law enforcement 56188
trends nationally and internationally affecting this area of 56189
public access and service. 56190

The Ohio Public Library Information Network, INFOhio, and 56191
OhioLINK shall, to the extent feasible, coordinate and cooperate 56192
in their purchase or other acquisition of the use of electronic 56193
databases for their respective users and shall contribute funds in 56194
an equitable manner to such effort. 56195

Section 325.10. LCO LIQUOR CONTROL COMMISSION 56196

Liquor Control Fund Group 56197

043 970-321 Operating Expenses \$ 743,093 \$ 772,524 56198

TOTAL LCF Liquor Control Fund Group \$ 743,093 \$ 772,524 56199

TOTAL ALL BUDGET FUND GROUPS \$ 743,093 \$ 772,524 56200

Section 327.10. LOT STATE LOTTERY COMMISSION 56202

General Services Fund Group 56203

231 950-604 Charitable Gaming \$ 2,253,000 \$ 2,378,000 56204

Oversight

TOTAL GSF General Services Fund	\$	2,253,000	\$	2,378,000	56205
Group					
State Lottery Fund Group					56206
044 950-100 Personal Services	\$	25,945,116	\$	27,085,265	56207
044 950-200 Maintenance	\$	18,748,274	\$	18,693,328	56208
044 950-300 Equipment	\$	2,554,500	\$	2,446,500	56209
044 950-402 Advertising Contracts	\$	21,250,000	\$	21,250,000	56210
044 950-403 Gaming Contracts	\$	50,419,360	\$	51,250,704	56211
044 950-500 Problem Gambling	\$	335,000	\$	335,000	56212
Subsidy					
044 950-601 Direct Prize Payments	\$	147,716,286	\$	147,716,286	56213
871 950-602 Annuity Prizes	\$	151,724,305	\$	151,724,305	56214
TOTAL SLF State Lottery Fund					56215
Group	\$	418,692,841	\$	420,501,388	56216
TOTAL ALL BUDGET FUND GROUPS	\$	420,945,841	\$	422,879,388	56217

OPERATING EXPENSES

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize additional appropriations for operating expenses of the State Lottery Commission from the State Lottery Fund up to a maximum of 15 per cent of anticipated total revenue accruing from the sale of lottery tickets.

DIRECT PRIZE PAYMENTS

Any amounts, in addition to the amounts appropriated in appropriation item 950-601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes, bonuses, and commissions are hereby appropriated.

ANNUITY PRIZES

With the approval of the Office of Budget and Management, the

State Lottery Commission shall transfer cash from the State 56233
Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund 56234
(Fund 871) in an amount sufficient to fund deferred prizes. The 56235
Treasurer of State, from time to time, shall credit the Deferred 56236
Prizes Trust Fund (Fund 871) the pro rata share of interest earned 56237
by the Treasurer of State on invested balances. 56238

Any amounts, in addition to the amounts appropriated in 56239
appropriation item 950-602, Annuity Prizes, that the Director of 56240
the State Lottery Commission determines to be necessary to fund 56241
deferred prizes and interest earnings are hereby appropriated. 56242

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 56243

The Ohio Lottery Commission shall transfer an amount greater 56244
than or equal to \$657,900,000 in fiscal year 2008 and \$667,900,000 56245
in fiscal year 2009 to the Lottery Profits Education Fund. 56246
Transfers from the Commission to the Lottery Profits Education 56247
Fund shall represent the estimated net income from operations for 56248
the Commission in fiscal year 2008 and fiscal year 2009. Transfers 56249
by the Commission to the Lottery Profits Education Fund shall be 56250
administered as the statutes direct. 56251

Section 329.10. MHC MANUFACTURED HOMES COMMISSION 56252

General Services Fund Group 56253
4K9 996-609 Operating Expenses \$ 418,122 \$ 434,671 56254
TOTAL GSF General Services 56255
Fund Group \$ 418,122 \$ 434,671 56256
TOTAL ALL BUDGET FUND GROUPS \$ 418,122 \$ 434,671 56257

Section 331.10. MED STATE MEDICAL BOARD 56259

General Services Fund Group 56260
5C6 883-609 Operating Expenses \$ 7,883,145 \$ 8,225,945 56261
TOTAL GSF General Services 56262

Fund Group	\$	7,883,145	\$	8,225,945	56263
TOTAL ALL BUDGET FUND GROUPS	\$	7,883,145	\$	8,225,945	56264

Section 333.10. AMB MEDICAL TRANSPORTATION BOARD 56266

General Services Fund Group					56267
4K9 915-604 Operating Expenses	\$	471,450	\$	473,450	56268
TOTAL GSF General Services					56269
Fund Group	\$	471,450	\$	473,450	56270
TOTAL ALL BUDGET FUND GROUPS	\$	471,450	\$	473,450	56271

CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND 56272
(FUND 4K9) 56273

Effective July 1, 2007, or as soon as practicable thereafter, 56274
the Director of Budget and Management may transfer the cash 56275
balance in the Ohio Medical Transportation Trust Fund (Fund 4N1), 56276
created in division (B) of section 4766.05 of the Revised Code, to 56277
the Occupational Licensing and Regulatory Fund (Fund 4K9), created 56278
in section 4743.05 of the Revised Code. The director shall cancel 56279
any existing encumbrances against appropriation item 915-601, 56280
Operating Expenses, and re-establish them against appropriation 56281
item 915-604, Operating Expenses. The amounts of the 56282
re-established encumbrances are hereby appropriated. Upon 56283
completion of these transfers, the Ohio Medical Transportation 56284
Trust Fund (Fund 4N1) is hereby abolished. 56285

Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH 56286

General Services Fund Group					56287
151 336-601 Office of Support	\$	134,060,000	\$	148,998,000	56288
Services					
TOTAL General Services Fund Group	\$	134,060,000	\$	148,998,000	56289
Division of Mental Health--					56290
Psychiatric Services to Correctional Facilities					56291
General Revenue Fund					56292

GRF 332-401 Forensic Services	\$	4,338,858	\$	4,338,858	56293
TOTAL GRF General Revenue Fund	\$	4,338,858	\$	4,338,858	56294

Section 335.10.10. FORENSIC SERVICES 56296

The foregoing appropriation item 332-401, Forensic Services, 56297
shall be used to provide psychiatric services to courts of common 56298
pleas. The appropriation shall be allocated through community 56299
mental health boards to certified community agencies and shall be 56300
distributed according to the criteria delineated in rule 56301
5122:32-01 of the Administrative Code. These community forensic 56302
funds may also be used to provide forensic training to community 56303
mental health boards and to forensic psychiatry residency programs 56304
in hospitals operated by the Department of Mental Health and to 56305
provide evaluations of patients of forensic status in facilities 56306
operated by the Department of Mental Health prior to conditional 56307
release to the community. 56308

In addition, appropriation item 332-401, Forensic Services, 56309
may be used to support projects involving mental health, substance 56310
abuse, courts, and law enforcement to identify and develop 56311
appropriate alternative services to incarceration for nonviolent 56312
mentally ill offenders, and to provide specialized re-entry 56313
services to offenders leaving prisons and jails. Funds may also be 56314
utilized to provide forensic monitoring and tracking in addition 56315
to community programs serving persons of forensic status on 56316
conditional release or probation. 56317

Section 335.20. Division of Mental Health-- 56318

Administration and Statewide Programs 56319

General Revenue Fund					56320
GRF 333-321 Central Administration	\$	23,853,906	\$	23,853,906	56321
GRF 333-402 Resident Trainees	\$	1,364,919	\$	1,364,919	56322
GRF 333-403 Pre-Admission	\$	650,135	\$	650,135	56323

		Screening Expenses				
GRF	333-415	Lease-Rental Payments	\$	23,767,400	\$	20,504,500 56324
GRF	333-416	Research Program	\$	1,001,551	\$	1,001,551 56325
		Evaluation				
TOTAL GRF		General Revenue Fund	\$	50,637,911	\$	47,375,011 56326
		General Services Fund Group				56327
149	333-609	Central Office	\$	1,200,000	\$	1,200,000 56328
		Operating				
TOTAL		General Services Fund Group	\$	1,200,000	\$	1,200,000 56329
		Federal Special Revenue Fund Group				56330
3A6	333-608	Community & Hospital	\$	140,000	\$	140,000 56331
		Services				
3A7	333-612	Social Services Block	\$	25,000	\$	25,000 56332
		Grant				
3A8	333-613	Federal Grant -	\$	4,888,105	\$	4,888,105 56333
		Administration				
3A9	333-614	Mental Health Block	\$	748,470	\$	748,470 56334
		Grant - Administration				
3B1	333-635	Community Medicaid	\$	13,691,682	\$	13,691,682 56335
		Expansion				
324	333-605	Medicaid/Medicare	\$	154,500	\$	154,500 56336
TOTAL		Federal Special Revenue				56337
Fund Group			\$	19,647,757	\$	19,647,757 56338
		State Special Revenue Fund Group				56339
232	333-621	Family and Children	\$	625,000	\$	625,000 56340
		First Administration				
4X5	333-607	Behavioral Health	\$	3,000,634	\$	3,000,634 56341
		Medicaid Services				
5V2	333-611	Non-Federal	\$	580,000	\$	560,000 56342
		Miscellaneous				
485	333-632	Mental Health	\$	134,233	\$	134,233 56343
		Operating				

TOTAL State Special Revenue				56344	
Fund Group	\$	4,339,867	\$	4,319,867	56345
TOTAL ALL BUDGET FUND GROUPS	\$	75,825,535	\$	72,542,635	56346

Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS 56348

The foregoing appropriation item 333-402, Resident Trainees, 56349
shall be used to fund training agreements entered into by the 56350
Department of Mental Health for the development of curricula and 56351
the provision of training programs to support public mental health 56352
services. 56353

Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES 56354

The foregoing appropriation item 333-403, Pre-Admission 56355
Screening Expenses, shall be used to pay for costs to ensure that 56356
uniform statewide methods for pre-admission screening are in place 56357
to perform assessments for persons who have severe mental illness 56358
and are referred for long-term Medicaid certified nursing facility 56359
placement. Pre-admission screening includes the following 56360
activities: pre-admission assessment, consideration of continued 56361
stay requests, discharge planning and referral, and adjudication 56362
of appeals and grievance procedures. 56363

Section 335.20.30. LEASE-RENTAL PAYMENTS 56364

The foregoing appropriation item 333-415, Lease-Rental 56365
Payments, shall be used to meet all payments during the period 56366
from July 1, 2007, to June 30, 2009, by the Department of Mental 56367
Health under leases and agreements made under section 154.20 of 56368
the Revised Code. These appropriations are the source of funds 56369
pledged for bond service charges on obligations issued pursuant to 56370
Chapter 154. of the Revised Code. 56371

Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES 56372

The Department of Mental Health shall administer specified 56373
 Medicaid Services as delegated by the Department of Job and Family 56374
 Services in an interagency agreement. The foregoing appropriation 56375
 item 333-607, Behavioral Health Medicaid Services, may be used to 56376
 make payments for free-standing psychiatric hospital inpatient 56377
 services as defined in an interagency agreement with the 56378
 Department of Job and Family Services. 56379

Section 335.30. DIVISION OF MENTAL HEALTH - HOSPITALS 56380

General Revenue Fund 56381

GRF 334-408 Community and Hospital \$ 400,324,545 \$ 400,324,545 56382
 Mental Health Services

GRF 334-410 System Reform \$ 0 \$ 5,000,000 56383

GRF 334-506 Court Costs \$ 976,652 \$ 976,652 56384

TOTAL GRF General Revenue Fund \$ 401,301,197 \$ 406,301,197 56385

General Services Fund Group 56386

149 334-609 Hospital - Operating \$ 33,800,000 \$ 33,800,000 56387
 Expenses

150 334-620 Special Education \$ 120,930 \$ 120,930 56388

TOTAL GSF General Services 56389

Fund Group \$ 33,920,930 \$ 33,920,930 56390

Federal Special Revenue Fund Group 56391

3A6 334-608 Subsidy for Federal \$ 586,224 \$ 586,224 56392
 Grants

3A8 334-613 Federal Letter of \$ 200,000 \$ 200,000 56393
 Credit

3B0 334-617 Adult Basic and \$ 182,334 \$ 182,334 56394
 Literary Education

3B1 334-635 Hospital Medicaid \$ 2,000,000 \$ 2,000,000 56395
 Expansion

324 334-605 Medicaid/Medicare \$ 34,500,000 \$ 50,500,000 56396

TOTAL FED Federal Special Revenue 56397

Fund Group	\$	37,468,558	\$	53,468,558	56398
State Special Revenue Fund Group					56399
485 334-632 Mental Health	\$	3,100,000	\$	3,100,000	56400
Operating					
692 334-636 Community Mental	\$	80,000	\$	80,000	56401
Health Board Risk Fund					
TOTAL SSR State Special Revenue					56402
Fund Group	\$	3,180,000	\$	3,180,000	56403
TOTAL ALL BUDGET FUND GROUPS	\$	475,870,685	\$	496,870,685	56404

Section 335.30.10. SYSTEM REFORM 56406

Following receipt of a review performed by the Office of 56407
 Budget and Management, the Director of Mental Health shall develop 56408
 a plan for the use of appropriation item 334-410, System Reform. 56409
 Following approval of the plan by the Director of Budget and 56410
 Management, the Department of Mental Health may begin expending 56411
 the dollars appropriated to appropriation item 334-410, System 56412
 Reform. 56413

Section 335.30.20. COMMUNITY MENTAL HEALTH BOARD RISK FUND 56414

The foregoing appropriation item 334-636, Community Mental 56415
 Health Board Risk Fund, shall be used to make payments under 56416
 section 5119.62 of the Revised Code. 56417

Section 335.40. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT 56418

SERVICES 56419

General Revenue Fund 56420

GRF 335-404 Behavioral Health \$ 8,076,153 \$ 8,711,153 56421

 Services-Children

GRF 335-405 Family & Children \$ 2,260,000 \$ 2,260,000 56422

 First

GRF 335-419 Community Medication \$ 7,959,798 \$ 7,959,798 56423

	Subsidy				
GRF 335-505	Local Mental Health	\$ 99,687,868	\$ 99,687,868		56424
	Systems of Care				
TOTAL GRF	General Revenue Fund	\$ 117,983,819	\$ 118,618,819		56425
	General Services Fund Group				56426
4P9 335-604	Community Mental	\$ 250,000	\$ 250,000		56427
	Health Projects				
TOTAL GSF	General Services				56428
Fund Group		\$ 250,000	\$ 250,000		56429
	Federal Special Revenue Fund Group				56430
3A6 335-608	Federal Miscellaneous	\$ 2,178,699	\$ 2,178,699		56431
3A7 335-612	Social Services Block	\$ 8,657,288	\$ 8,657,288		56432
	Grant				
3A8 335-613	Federal Grant -	\$ 2,595,040	\$ 2,595,040		56433
	Community Mental				
	Health Board Subsidy				
3A9 335-614	Mental Health Block	\$ 14,969,400	\$ 14,969,400		56434
	Grant				
3B1 335-635	Community Medicaid	\$ 299,614,455	\$ 316,699,716		56435
	Expansion				
TOTAL FED	Federal Special Revenue	\$ 328,014,882	\$ 345,100,143		56436
Fund Group					
	State Special Revenue Fund Group				56437
5AU 335-615	Behavioral Healthcare	\$ 6,690,000	\$ 6,690,000		56438
632 335-616	Community Capital	\$ 350,000	\$ 350,000		56439
	Replacement				
TOTAL SSR	State Special Revenue	\$ 7,040,000	\$ 7,040,000		56440
Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$ 453,288,701	\$ 471,008,962		56441
DEPARTMENT TOTAL					56442
GENERAL REVENUE FUND		\$ 574,261,785	\$ 576,633,885		56443
DEPARTMENT TOTAL					56444

GENERAL SERVICES FUND GROUP	\$	169,430,930	\$	184,368,930	56445
DEPARTMENT TOTAL					56446
FEDERAL SPECIAL REVENUE					56447
FUND GROUP	\$	385,131,197	\$	418,216,458	56448
DEPARTMENT TOTAL					56449
STATE SPECIAL REVENUE FUND GROUP	\$	14,559,867	\$	14,539,867	56450
DEPARTMENT TOTAL					56451
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	1,143,383,779	\$	1,193,759,140	56452

Section 335.40.10. BEHAVIORAL HEALTH - CHILDREN 56454

The foregoing appropriation item 335-404, Behavioral Health 56455
Services-Children, shall be used to provide behavioral health 56456
services for children and their families. Behavioral health 56457
services include mental health and alcohol and other drug 56458
treatment services and other necessary supports. 56459

Of the foregoing appropriation item 335-404, Behavioral 56460
Health Services-Children, an amount up to \$4.5 million in fiscal 56461
year 2008 and \$5.5 million in fiscal year 2009 shall be 56462
distributed to local Alcohol, Drug Addiction, and Mental Health 56463
Boards; Community Mental Health Boards; and Alcohol and Drug 56464
Addiction Boards, based upon a distribution formula and guidance 56465
defined by a team of state and local stakeholders appointed by the 56466
Ohio Family and Children First Cabinet Council. This team shall 56467
include, but not be limited to, all of the following: 56468

(A) At least one representative from each of the Departments 56469
of Alcohol and Drug Addiction Services, Mental Health, Education, 56470
Health, Job and Family Services, Mental Retardation and 56471
Developmental Disabilities, and the Department of Youth Services; 56472

(B) At least one person representing local public children's 56473
services agencies; 56474

(C) At least one person representing juvenile courts; 56475

(D) At least one person representing local Alcohol, Drug 56476
Addiction, and Mental Health Boards; Community Mental Health 56477
Boards; and Alcohol and Drug Addiction Boards; 56478

(E) At least one person representing local Family and 56479
Children First Council Coordinators; 56480

(F) At least one family representative. 56481

Funds may be used to support the following services and 56482
activities as determined by local Alcohol, Drug Addiction, and 56483
Mental Health Boards; Community Mental Health Boards; and Alcohol 56484
and Drug Addiction Boards and local family and children first 56485
councils and aligned with county service coordination mechanism as 56486
described in division (C) of section 121.37 of the Revised Code: 56487

(A) Mental health services provided by the Ohio Department of 56488
Mental Health certified agencies and alcohol and other drug 56489
services provided by Department of Alcohol and Drug Addiction 56490
Services certified agencies; 56491

(B) Services and supports for children and their families 56492
that further the implementation of their individual service plans; 56493

(C) Treatment services in out-of-home settings, including 56494
residential facilities, when other alternatives are not available 56495
or feasible; 56496

(D) Administrative support for efforts associated with this 56497
initiative; 56498

(E) These funds shall not be used to supplant existing 56499
efforts. 56500

Of the foregoing appropriation item 335-404, Behavioral 56501
Health Services-Children, an amount up to \$1.0 million in fiscal 56502
year 2008 and \$1.0 million in fiscal year 2009 shall be used to 56503
support projects, as determined by the Ohio Family and Children 56504
First Cabinet Council, in select areas around the state to focus 56505

on improving behavioral health juvenile justice services. 56506

Of the foregoing appropriation item 335-405, Family & 56507
Children First, an amount up to \$500,000 in fiscal year 2008 and 56508
\$500,000 in fiscal year 2009 shall be used for children for whom 56509
the primary focus of treatment is not a mental health or alcohol 56510
or drug addiction disorder and require services or supports to 56511
assist those needs through the County Family and Children First 56512
Council. 56513

Section 335.40.20. COMMUNITY MEDICATION SUBSIDY 56514

The foregoing appropriation item 335-419, Community 56515
Medication Subsidy, shall be used to provide subsidized support 56516
for psychotropic medication needs of indigent citizens in the 56517
community to reduce unnecessary hospitalization because of lack of 56518
medication and to provide subsidized support for methadone costs. 56519

Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE 56520

The foregoing appropriation item 335-505, Local Mental Health 56521
Systems of Care, shall be used for mental health services provided 56522
by community mental health boards in accordance with a community 56523
mental health plan submitted under section 340.03 of the Revised 56524
Code and as approved by the Department of Mental Health. 56525

Of the foregoing appropriation, not less than \$34,818,917 in 56526
fiscal year 2008 and not less than \$34,818,917 in fiscal year 2009 56527
shall be distributed by the Department of Mental Health on a per 56528
capita basis to community mental health boards. 56529

Of the foregoing appropriation, \$100,000 in each fiscal year 56530
shall be used to fund family and consumer education and support. 56531

Section 335.40.40. RATE STRUCTURE STUDY GROUP 56532

The Director of Mental Health shall convene a study group 56533

made up of state and county representatives and members of the 56534
 provider communities to review the current provider rate structure 56535
 for mental health services and make recommendations. 56536

Section 337.10. DMR DEPARTMENT OF MENTAL RETARDATION AND 56537
 DEVELOPMENTAL DISABILITIES 56538

Section 337.20. GENERAL ADMINISTRATION AND STATEWIDE SERVICES 56539
 56540

General Revenue Fund 56541

GRF 320-321 Central Administration	\$	9,638,610	\$	9,638,610	56542
GRF 320-412 Protective Services	\$	2,792,322	\$	2,792,322	56543
GRF 320-415 Lease-Rental Payments	\$	23,767,400	\$	20,504,500	56544
TOTAL GRF General Revenue Fund	\$	36,198,332	\$	32,935,432	56545

General Services Fund Group 56546

4B5 320-640 Training and Service	\$	100,000	\$	100,000	56547
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Development

TOTAL GSF General Services 56548

Fund Group	\$	100,000	\$	100,000	56549
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Federal Special Revenue Fund Group 56550

3A5 320-613 DD Council	\$	2,705,004	\$	2,743,630	56551
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TOTAL FED Federal Special Revenue 56552

Fund Group	\$	2,705,004	\$	2,743,630	56553
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State Special Revenue Fund Group 56554

5S2 590-622 Medicaid	\$	11,003,855	\$	11,472,335	56555
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Administration &

Oversight

TOTAL SSR State Special Revenue 56556

Fund Group	\$	11,003,855	\$	11,472,335	56557
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TOTAL ALL GENERAL ADMINISTRATION 56558

AND STATEWIDE SERVICES 56559

BUDGET FUND GROUPS	\$	50,007,191	\$	47,251,397	56560
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Section 337.20.10. LEASE-RENTAL PAYMENTS 56561

The foregoing appropriation item 320-415, Lease-Rental 56562
 Payments, shall be used to meet all payments at the time they are 56563
 required to be made during the period from July 1, 2007, to June 56564
 30, 2009, by the Department of Mental Retardation and 56565
 Developmental Disabilities under leases and agreements made under 56566
 section 154.20 of the Revised Code. These appropriations are the 56567
 source of funds pledged for bond service charges or obligations 56568
 issued pursuant to Chapter 154. of the Revised Code. 56569

Section 337.30. COMMUNITY SERVICES 56570

General Revenue Fund 56571

GRF 322-413 Residential and \$ 6,753,881 \$ 6,753,881 56572

Support Services

GRF 322-416 Medicaid Waiver - \$ 113,692,413 \$ 113,692,413 56573

State Match

GRF 322-501 County Boards \$ 90,067,913 \$ 90,067,913 56574

Subsidies

GRF 322-503 Tax Equity \$ 14,000,000 \$ 14,000,000 56575

GRF 322-504 Martin Settlement \$ 6,159,766 \$ 29,036,451 56576

TOTAL GRF General Revenue Fund \$ 230,673,973 \$ 253,550,658 56577

General Services Fund Group 56578

488 322-603 Provider Audit Refunds \$ 10,000 \$ 10,000 56579

TOTAL GSF General Services 56580

Fund Group \$ 10,000 \$ 10,000 56581

Federal Special Revenue Fund Group 56582

3G6 322-639 Medicaid Waiver - \$ 456,311,171 \$ 506,618,829 56583

Federal

3M7 322-650 CAFS Medicaid \$ 4,278,713 \$ 0 56584

325 322-612 Community Social \$ 11,186,114 \$ 11,164,639 56585

Service Programs

TOTAL FED Federal Special Revenue				56586	
Fund Group	\$	471,775,998	\$	517,783,468	56587
State Special Revenue Fund Group				56588	
4K8 322-604 Medicaid Waiver -	\$	12,000,000	\$	12,000,000	56589
State Match					
5DJ 322-625 Targeted Case	\$	11,082,857	\$	11,470,757	56590
Management Match					
5DJ 322-626 Targeted Case	\$	27,548,737	\$	28,512,943	56591
Management Services					
5EV 322-627 Program Fees	\$	20,000	\$	20,000	56592
5H0 322-619 Medicaid Repayment	\$	10,000	\$	10,000	56593
5Z1 322-624 County Board Waiver	\$	116,000,000	\$	126,000,000	56594
Match					
TOTAL SSR State Special Revenue				56595	
Fund Group	\$	166,661,594	\$	178,013,700	56596
TOTAL ALL COMMUNITY SERVICES				56597	
BUDGET FUND GROUPS	\$	869,121,565	\$	949,357,826	56598

Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES 56600

The Department of Mental Retardation and Developmental 56601
 Disabilities may designate a portion of appropriation item 56602
 322-413, Residential and Support Services, for Sermak Class 56603
 Services used to implement the requirements of the agreement 56604
 settling the condecree in *Sermak v. Manuel*, Case No. c-2-80-220, 56605
 United States District Court for the Southern District of Ohio, 56606
 Eastern Division. 56607

Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE 56608

PROGRAMS 56609

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 56610
 the Department of Mental Retardation and Developmental 56611
 Disabilities may develop residential and support service programs 56612

funded by appropriation item 322-413, Residential and Support 56613
Services; and appropriation item 322-416, Medicaid Waiver - State 56614
Match, and the appropriation for supported living in appropriation 56615
item 322-501, County Board Subsidy, that enable persons with 56616
mental retardation and developmental disabilities to live in the 56617
community. Notwithstanding Chapter 5121. and section 5123.122 of 56618
the Revised Code, the Department may waive the support collection 56619
requirements of those statutes for persons in community programs 56620
developed by the Department under this section. The Department 56621
shall adopt rules under Chapter 119. of the Revised Code or may 56622
use existing rules for the implementation of these programs. 56623

Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF) 56624

The purposes for which the foregoing appropriation item 56625
322-416, Medicaid Waiver - State Match, shall be used include the 56626
following: 56627

(A) Home and community-based waiver services under Title XIX 56628
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 56629
as amended. 56630

(B) Services contracted by county boards of mental 56631
retardation and developmental disabilities. 56632

(C) To pay the nonfederal share of the cost of one or more 56633
new intermediate care facility for the mentally retarded certified 56634
beds in a county where the county board of mental retardation and 56635
developmental disabilities does not initiate or support the 56636
development or certification of such beds, if the Director of 56637
Mental Retardation and Developmental Disabilities is required by 56638
this act to transfer to the Director of Job and Family Services 56639
funds to pay such nonfederal share. 56640

The Department of Mental Retardation and Developmental 56641
Disabilities may designate a portion of appropriation item 56642

322-416, Medicaid Waiver - State Match, to county boards of mental 56643
retardation and developmental disabilities that have greater need 56644
for various residential and support services because of a low 56645
percentage of residential and support services development in 56646
comparison to the number of individuals with mental retardation or 56647
developmental disabilities in the county. 56648

Section 337.30.40. STATE SUBSIDY TO COUNTY MR/DD BOARDS 56649

The Department of Mental Retardation and Developmental 56650
Disabilities shall use the foregoing appropriation item 322-501, 56651
County Boards Subsidy, to pay each county board of mental 56652
retardation and developmental disabilities in each fiscal year of 56653
the biennium an amount that is equal to the amount such board 56654
received in fiscal year 2007 from former appropriation items 56655
322-417, Supported Living; 322-451, Family Support Services; 56656
322-452, Service and Support Administration; and 322-501, County 56657
Boards Subsidies. 56658

County boards shall use the subsidy for early childhood 56659
services and adult services provided under section 5126.05 of the 56660
Revised Code, family support services provided under section 56661
5126.11 of the Revised Code, service and support administration 56662
provided under section 5126.15 of the Revised Code, and supported 56663
living services provided under sections 5126.40 to 5126.47 of the 56664
Revised Code. 56665

In the event that the appropriation in appropriation item 56666
322-501, County Board Subsidy, for fiscal year 2008 or fiscal year 56667
2009 is greater than the subsidy paid by the Department for fiscal 56668
year 2007, the Department and county boards shall develop a 56669
formula for allocating the additional appropriation to each county 56670
board to support priorities determined by the Department and 56671
county boards. 56672

The Department shall distribute this subsidy to county boards 56673

in quarterly installments of equal amounts. The installments shall 56674
be made not later than the thirtieth day of September, the 56675
thirty-first day of December, the thirty-first day of March, and 56676
thirtieth day of June. 56677

The Department also may use the foregoing appropriation item 56678
322-501, County Boards Subsidy, to pay the nonfederal share of the 56679
cost of one or more new intermediate care facility for the 56680
mentally retarded certified beds in a county where the county 56681
board of mental retardation and developmental disabilities 56682
initiates or supports the development or certification of such 56683
beds, if the Director of Mental Retardation and Developmental 56684
Disabilities is required by this act to transfer to the Director 56685
of Job and Family Services funds to pay such nonfederal share. 56686

Section 337.30.50. MEDICAID WAIVER - STATE MATCH (FUND 4K8) 56687

The foregoing appropriation item 322-604, Medicaid Waiver - 56688
State Match (Fund 4K8), shall be used as state matching funds for 56689
the home and community-based waivers. 56690

Section 337.30.60. TARGETED CASE MANAGEMENT SERVICES 56691

County boards of mental retardation and developmental 56692
disabilities shall pay the nonfederal portion of targeted case 56693
management costs to the Department of Mental Retardation and 56694
Developmental Disabilities. The Director of Mental Retardation and 56695
Developmental Disabilities shall withhold any amount owed to the 56696
Department from subsequent disbursements from any appropriation 56697
item or money otherwise due to a nonpaying county. 56698

The Departments of Mental Retardation and Developmental 56699
Disabilities and Job and Family Services may enter into an 56700
interagency agreement under which the Department of Mental 56701
Retardation and Developmental Disabilities shall pay the 56702
Department of Job and Family Services the nonfederal portion of 56703

the cost of targeted case management services paid by county 56704
boards and the Department of Job and Family Services shall pay the 56705
total cost of targeted case management claims. 56706

Section 337.30.70. TRANSFER TO PROGRAM FEE FUND 56707

On July 1, 2007, or as soon as possible thereafter, the 56708
Director of Mental Retardation and Developmental Disabilities 56709
shall certify to the Director of Budget and Management the amount 56710
of cash that has been deposited into Fund 4B5, 56711
Conference/Training, pursuant to sections 5123.19 and 5126.25 of 56712
the Revised Code, less the amount that has been expended from Fund 56713
4B5 to operate the Certification and Registration Program 56714
established under section 5126.25 of the Revised Code and to 56715
license and inspect residential facilities as outlined in section 56716
5123.19 of the Revised Code. The certified amount shall not 56717
include amounts deposited into Fund 4B5 for training and 56718
conferences conducted by the Department of Mental Retardation and 56719
Developmental Disabilities. Upon receipt of the certification, the 56720
Director of Budget and Management shall transfer cash equal to the 56721
amount certified and all associated liabilities and obligations to 56722
Fund 5EV, Program Fee Fund, in the Department of Mental 56723
Retardation and Developmental Disabilities. 56724

Section 337.30.80. DEVELOPMENTAL CENTER BILLING FOR SERVICES 56725

Developmental centers of the Department of Mental Retardation 56726
and Developmental Disabilities may provide services to persons 56727
with mental retardation or developmental disabilities living in 56728
the community or to providers of services to these persons. The 56729
Department may develop a method for recovery of all costs 56730
associated with the provisions of these services. 56731

Section 337.40. RESIDENTIAL FACILITIES 56732

General Revenue Fund				56733
GRF 323-321 Developmental Center and Residential Facilities Operation Expenses	\$	102,796,851	\$ 102,796,851	56734
TOTAL GRF General Revenue Fund	\$	102,796,851	\$ 102,796,851	56735
General Services Fund Group				56736
152 323-609 Developmental Center and Residential Operating Services	\$	912,177	\$ 912,177	56737
TOTAL GSF General Services Fund Group	\$	912,177	\$ 912,177	56739
Federal Special Revenue Fund Group				56740
3A4 323-605 Developmental Center and Residential Facility Services and Support	\$	136,299,536	\$ 137,555,308	56741
TOTAL FED Federal Special Revenue Fund Group	\$	136,299,536	\$ 137,555,308	56743
State Special Revenue Fund Group				56744
221 322-620 Supplement Service Trust	\$	150,000	\$ 150,000	56745
489 323-632 Developmental Center Direct Care Support	\$	14,543,764	\$ 14,671,616	56746
TOTAL SSR State Special Revenue Fund Group	\$	14,693,764	\$ 14,821,616	56748
TOTAL ALL RESIDENTIAL FACILITIES BUDGET FUND GROUPS	\$	254,702,328	\$ 256,085,952	56750
DEPARTMENT TOTAL				56751
GENERAL REVENUE FUND	\$	369,669,156	\$ 389,282,941	56752
DEPARTMENT TOTAL				56753
GENERAL SERVICES FUND GROUP	\$	1,022,177	\$ 1,022,177	56754

DEPARTMENT TOTAL				56755	
FEDERAL SPECIAL REVENUE FUND GROUP	\$	610,780,538	\$	658,082,406	56756
DEPARTMENT TOTAL				56757	
STATE SPECIAL REVENUE FUND GROUP	\$	192,359,213	\$	204,307,651	56758
TOTAL DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES			\$ 1,173,831,084	\$ 1,252,695,175	56759 56760 56761

Section 337.40.10. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 56763
PHARMACY PROGRAMS 56764

The Department of Mental Retardation and Developmental 56765
Disabilities shall pay the Department of Job and Family Services 56766
quarterly, through intrastate transfer voucher, the nonfederal 56767
share of Medicaid prescription drug claim costs for all 56768
developmental centers paid by the Department of Job and Family 56769
Services. 56770

Section 337.40.20. NONFEDERAL MATCH FOR ACTIVE TREATMENT 56771
SERVICES 56772

Any county funds received by the Department from county 56773
boards for active treatment shall be deposited in Fund 489, Mental 56774
Retardation Operating. 56775

Section 337.40.30. NONFEDERAL SHARE OF NEW ICF/MR BEDS 56776

(A) As used in this section: 56777

(1) "Family support services," "home and community-based 56778
services," "service and support administration," and "supported 56779
living" have the same meaning as in section 5126.01 of the Revised 56780
Code. 56781

(2) "Intermediate care facility for the mentally retarded" 56782
has the same meaning as in section 5111.20 of the Revised Code. 56783

(B) If one or more new beds obtain certification as an 56784

intermediate care facility for the mentally retarded bed on or 56785
after July 1, 2007, the Director of Mental Retardation and 56786
Developmental Disabilities shall transfer funds to the Department 56787
of Job and Family Services to pay the nonfederal share of the cost 56788
under the Medicaid Program for those beds. The Director shall use 56789
only the following funds for the transfer: 56790

(1) If the beds are located in a county served by a county 56791
board of mental retardation and developmental disabilities that 56792
does not initiate or support the beds' certification, funds 56793
appropriated to the Department of Mental Retardation and 56794
Developmental Disabilities for home and community-based services 56795
and supported living for which the Director is authorized to make 56796
allocations to county boards; 56797

(2) If the beds are located in a county served by a county 56798
board that initiates or supports the beds' certification, funds 56799
appropriated to the Department for family support services, 56800
service and support administration, and other services for which 56801
the Director is authorized to make allocations to counties. 56802

(C) The funds that the Director transfers under division 56803
(B)(2) of this section shall be funds that the Director has 56804
allocated to the county board serving the county in which the beds 56805
are located unless the amount of the allocation is insufficient to 56806
pay the entire nonfederal share of the cost under the Medicaid 56807
Program for those beds. If the allocation is insufficient, the 56808
Director shall use as much of such funds allocated to other 56809
counties as is needed to make up the difference. 56810

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 56811

General Revenue Fund 56812

GRF 149-321 Operating Expenses \$ 614,194 \$ 652,740 56813

GRF 149-501 Minority Health Grants \$ 670,965 \$ 1,670,965 56814

GRF 149-502 Lupus Program	\$	136,126	\$	136,126	56815
TOTAL GRF General Revenue Fund	\$	1,421,285	\$	2,459,831	56816
Federal Special Revenue Fund Group					56817
3J9 149-602 Federal Grants	\$	457,486	\$	320,297	56818
TOTAL FED Federal Special Revenue					56819
Fund Group	\$	457,486	\$	320,297	56820
State Special Revenue Fund Group					56821
4C2 149-601 Minority Health	\$	150,000	\$	150,000	56822
Conference					
TOTAL SSR State Special Revenue					56823
Fund Group	\$	150,000	\$	150,000	56824
TOTAL ALL BUDGET FUND GROUPS	\$	2,028,771	\$	2,930,128	56825

Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR

REGISTRATION BOARD					56827
General Service Fund Group					56828
4K9 865-601 Operating Expenses	\$	334,995	\$	334,995	56829
TOTAL GSF General Services					56830
Fund Group	\$	334,995	\$	334,995	56831
TOTAL ALL BUDGET FUND GROUPS	\$	334,995	\$	334,995	56832

CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND 56834
(FUND 4K9) 56835

Effective July 1, 2007, or as soon as possible thereafter, 56836
the Director of Budget and Management may transfer the cash 56837
balance in the Motor Vehicle Collision Repair Registration Fund 56838
(Fund 5H9), created in division (A) of section 4775.08 of the 56839
Revised Code, to the Occupational Licensing and Regulatory Fund 56840
(Fund 4K9), created in section 4743.05 of the Revised Code. The 56841
Director may cancel any existing encumbrances against 56842
appropriation item 865-609, Operating Expenses - CRB, in Fund 5H9, 56843
and re-establish them against appropriation item 865-601, 56844
Operating Expenses, in Fund 4K9. The amounts of the re-established 56845

encumbrances are hereby appropriated. The Motor Vehicle Collision 56846
Repair Registration Fund (Fund 5H9), created in division (A) of 56847
section 4775.08 of the Revised Code, is hereby abolished. 56848

Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES 56849

General Revenue Fund 56850

GRF 725-401 Wildlife-GRF Central \$ 2,705,950 \$ 2,800,930 56851
Support

GRF 725-404 Fountain Square Rental \$ 1,094,900 \$ 1,081,200 56852
Payments - OBA

GRF 725-407 Conservation Reserve \$ 1,000,000 \$ 1,000,000 56853
Enhancement Program

GRF 725-413 Lease Rental Payments \$ 19,589,400 \$ 18,316,200 56854

GRF 725-423 Stream and Ground \$ 311,910 \$ 311,910 56855
Water Gauging

GRF 725-425 Wildlife License \$ 500,000 \$ 400,000 56856
Reimbursement

GRF 725-456 Canal Lands \$ 332,859 \$ 332,859 56857

GRF 725-502 Soil and Water \$ 9,836,436 \$ 9,836,436 56858
Districts

GRF 725-903 Natural Resources \$ 24,713,800 \$ 25,723,000 56859
General Obligation
Debt Service

GRF 727-321 Division of Forestry \$ 8,541,511 \$ 8,541,511 56860

GRF 728-321 Division of Geological \$ 1,889,707 \$ 1,889,707 56861
Survey

GRF 729-321 Office of Information \$ 440,895 \$ 440,895 56862
Technology

GRF 730-321 Division of Parks and \$ 39,874,841 \$ 39,874,841 56863
Recreation

GRF 733-321 Division of Water \$ 3,207,619 \$ 3,257,619 56864

GRF 736-321 Division of \$ 3,118,703 \$ 3,118,703 56865

		Engineering					
GRF	737-321	Division of Soil and Water	\$	4,074,788	\$	4,074,788	56866
GRF	738-321	Division of Real Estate and Land Management	\$	2,291,874	\$	2,291,874	56867
GRF	741-321	Division of Natural Areas and Preserves	\$	3,114,874	\$	3,119,894	56868
GRF	744-321	Division of Mineral Resources Management	\$	3,068,167	\$	3,068,167	56869
TOTAL GRF		General Revenue Fund	\$	129,708,234	\$	129,480,534	56870
		General Services Fund Group					56871
155	725-601	Departmental Projects	\$	2,259,402	\$	2,260,021	56872
157	725-651	Central Support Indirect	\$	6,228,950	\$	6,528,675	56873
204	725-687	Information Services	\$	4,676,627	\$	4,676,627	56874
207	725-690	Real Estate Services	\$	64,000	\$	64,000	56875
223	725-665	Law Enforcement Administration	\$	2,230,485	\$	2,358,307	56876
227	725-406	Parks Projects Personnel	\$	110,000	\$	110,000	56877
4D5	725-618	Recycled Materials	\$	50,000	\$	50,000	56878
4S9	725-622	NatureWorks Personnel	\$	525,000	\$	525,000	56879
4X8	725-662	Water Resources Council	\$	125,000	\$	125,000	56880
430	725-671	Canal Lands	\$	1,150,082	\$	1,150,082	56881
508	725-684	Natural Resources Publications	\$	148,527	\$	148,280	56882
510	725-631	Maintenance - State-owned Residences	\$	353,611	\$	303,611	56883
516	725-620	Water Management	\$	2,913,618	\$	2,931,513	56884
635	725-664	Fountain Square Facilities Management	\$	3,609,835	\$	3,640,398	56885

697	725-670	Submerged Lands	\$	751,342	\$	772,011	56886
TOTAL GSF General Services							56887
Fund Group			\$	25,196,479	\$	25,643,525	56888
Federal Special Revenue Fund Group							56889
3B3	725-640	Federal Forest	\$	225,000	\$	225,000	56890
Pass-Thru							
3B4	725-641	Federal Flood	\$	490,000	\$	490,000	56891
Pass-Thru							
3B5	725-645	Federal Abandoned Mine	\$	14,307,664	\$	14,307,667	56892
Lands							
3B6	725-653	Federal Land and Water	\$	2,000,000	\$	2,000,000	56893
Conservation Grants							
3B7	725-654	Reclamation -	\$	2,107,291	\$	2,107,292	56894
Regulatory							
3P0	725-630	Natural Areas and	\$	215,000	\$	215,000	56895
Preserves - Federal							
3P1	725-632	Geological Survey -	\$	655,000	\$	720,000	56896
Federal							
3P2	725-642	Oil and Gas-Federal	\$	226,961	\$	234,509	56897
3P3	725-650	Coastal Management -	\$	2,643,323	\$	1,691,237	56898
Federal							
3P4	725-660	Water - Federal	\$	316,304	\$	316,734	56899
3R5	725-673	Acid Mine Drainage	\$	1,999,998	\$	2,025,001	56900
Abatement/Treatment							
3Z5	725-657	REALM-Federal	\$	1,850,000	\$	1,850,000	56901
332	725-669	Federal Mine Safety	\$	258,102	\$	258,102	56902
Grant							
TOTAL FED Federal Special Revenue							56903
Fund Group			\$	27,294,643	\$	26,440,542	56904
State Special Revenue Fund Group							56905
4J2	725-628	Injection Well Review	\$	67,578	\$	68,933	56906
4M7	725-631	Wildfire Suppression	\$	70,000	\$	0	56907

4M7	725-686	Wildfire Suppression	\$	100,000	\$	100,000	56908
4U6	725-668	Scenic Rivers Protection	\$	407,100	\$	407,100	56909
5BV	725-683	Soil and Water Districts	\$	1,850,000	\$	1,850,000	56910
5B3	725-674	Mining Regulation	\$	28,850	\$	28,850	56911
5K1	725-626	Urban Forestry Grant	\$	10,000	\$	12,000	56912
5P2	725-634	Wildlife Boater Angler Administration	\$	3,500,000	\$	3,500,000	56913
509	725-602	State Forest	\$	5,070,946	\$	5,211,924	56914
511	725-646	Ohio Geological Mapping	\$	815,179	\$	724,310	56915
512	725-605	State Parks Operations	\$	27,314,288	\$	27,314,288	56916
512	725-680	Parks Facilities Maintenance	\$	2,576,240	\$	2,576,240	56917
514	725-606	Lake Erie Shoreline	\$	917,113	\$	757,113	56918
518	725-643	Oil and Gas Permit Fees	\$	2,574,378	\$	2,586,568	56919
518	725-677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	56920
521	725-627	Off-Road Vehicle Trails	\$	198,490	\$	143,490	56921
522	725-656	Natural Areas and Preserves	\$	1,550,670	\$	1,550,670	56922
526	725-610	Strip Mining Administration Fee	\$	1,932,491	\$	1,903,871	56923
527	725-637	Surface Mining Administration	\$	1,852,842	\$	1,946,591	56924
529	725-639	Unreclaimed Land Fund	\$	2,892,516	\$	2,024,257	56925
531	725-648	Reclamation Forfeiture	\$	2,062,234	\$	2,062,237	56926
532	725-644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681	56927
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	56928

615	725-661	Dam Safety	\$	548,223	\$	595,416	56929
TOTAL SSR State Special Revenue							56930
Fund Group			\$	64,419,819	\$	63,444,539	56931
Clean Ohio Fund Group							56932
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000	56933
TOTAL CLF Clean Ohio Fund Group							56934
Wildlife Fund Group							56935
015	740-401	Division of Wildlife Conservation	\$	53,706,000	\$	54,906,000	56936
815	725-636	Cooperative Management Projects	\$	120,449	\$	120,449	56937
816	725-649	Wetlands Habitat	\$	966,885	\$	966,885	56938
817	725-655	Wildlife Conservation Checkoff Fund	\$	5,000,000	\$	5,000,000	56939
818	725-629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	56940
819	725-685	Ohio River Management	\$	128,584	\$	128,584	56941
TOTAL WLF Wildlife Fund Group							56942
Waterways Safety Fund Group							56943
086	725-414	Waterways Improvement	\$	3,925,075	\$	4,062,452	56944
086	725-418	Buoy Placement	\$	52,182	\$	52,182	56945
086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867	56946
086	725-506	Watercraft Marine Patrol	\$	576,153	\$	576,153	56947
086	725-513	Watercraft Educational Grants	\$	366,643	\$	366,643	56948
086	739-401	Division of Watercraft	\$	19,626,681	\$	20,166,681	56949
5AW	725-682	Watercraft Revolving Loans	\$	1,000,000	\$	1,000,000	56950
TOTAL WSF Waterways Safety Fund Group							56951
Group			\$	25,684,601	\$	26,361,978	56952
Holding Account Redistribution Fund Group							56953

R17 725-659 Performance Cash Bond	\$	279,263	\$	279,263	56954
Refunds					
R43 725-624 Forestry	\$	1,950,188	\$	2,007,977	56955
TOTAL 090 Holding Account					56956
Redistribution Fund Group	\$	2,229,451	\$	2,287,240	56957
Accrued Leave Liability Fund Group					56958
4M8 725-675 FOP Contract	\$	20,844	\$	20,844	56959
TOTAL ALF Accrued Leave					56960
Liability Fund Group	\$	20,844	\$	20,844	56961
TOTAL ALL BUDGET FUND GROUPS	\$	336,130,989	\$	336,456,120	56962

Section 343.20. CENTRAL SUPPORT INDIRECT 56964

With the exception of the Division of Wildlife, whose direct 56965
and indirect central support charges shall be paid out of the 56966
General Revenue Fund from the foregoing appropriation item 56967
725-401, Wildlife-GRF Central Support, the Department of Natural 56968
Resources, with approval of the Director of Budget and Management, 56969
shall utilize a methodology for determining each division's 56970
payments into the Central Support Indirect Fund (Fund 157). The 56971
methodology used shall contain the characteristics of 56972
administrative ease and uniform application in compliance with 56973
federal grant requirements. It may include direct cost charges for 56974
specific services provided. Payments to the Central Support 56975
Indirect Fund (Fund 157) shall be made using an intrastate 56976
transfer voucher. 56977

Section 343.30. FOUNTAIN SQUARE 56978

The foregoing appropriation item 725-404, Fountain Square 56979
Rental Payments - OBA, shall be used by the Department of Natural 56980
Resources to meet all payments required to be made to the Ohio 56981
Building Authority during the period from July 1, 2007, to June 56982
30, 2009, pursuant to leases and agreements with the Ohio Building 56983

Authority under section 152.42 of the Revised Code. These 56984
appropriations are the source of funds pledged for bond service 56985
charges on obligations issued pursuant to Chapter 152. of the 56986
Revised Code. 56987

The Director of Natural Resources, using intrastate transfer 56988
vouchers, shall make payments to the General Revenue Fund from 56989
funds other than the General Revenue Fund to reimburse the General 56990
Revenue Fund for the other funds' shares of the lease rental 56991
payments to the Ohio Building Authority. The transfers from the 56992
non-General Revenue funds shall be made within 10 days of the 56993
payment to the Ohio Building Authority for the actual amounts 56994
necessary to fulfill the leases and agreements pursuant to section 56995
152.241 of the Revised Code. 56996

The foregoing appropriation item 725-664, Fountain Square 56997
Facilities Management (Fund 635), shall be used for payment of 56998
repairs, renovation, utilities, property management, and building 56999
maintenance expenses for the Fountain Square Complex. Cash 57000
transferred by intrastate transfer vouchers from various 57001
department funds and rental income received by the Department of 57002
Natural Resources shall be deposited into the Fountain Square 57003
Facilities Management Fund (Fund 635). 57004

LEASE RENTAL PAYMENTS 57005

The foregoing appropriation item 725-413, Lease Rental 57006
Payments, shall be used to meet all payments at the times they are 57007
required to be made during the period from July 1, 2007, to June 57008
30, 2009, by the Department of Natural Resources pursuant to 57009
leases and agreements made under section 154.22 of the Revised 57010
Code. These appropriations are the source of funds pledged for 57011
bond service charges or obligations issued pursuant to Chapter 57012
154. of the Revised Code. 57013

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 57014

The foregoing appropriation item 725-903, Natural Resources 57015
General Obligation Debt Service, shall be used to pay all debt 57016
service and related financing costs during the period July 1, 57017
2007, to June 30, 2009, on obligations issued under sections 57018
151.01 and 151.05 of the Revised Code. 57019

Section 343.40. WILDLIFE LICENSE REIMBURSEMENT 57020

Notwithstanding the limits of the transfer from the General 57021
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 57022
of the Revised Code, up to the amount available in appropriation 57023
item 725-425, Wildlife License Reimbursement, may be transferred 57024
from the General Revenue Fund to the Wildlife Fund (Fund 015). 57025
Pursuant to the certification of the Director of Budget and 57026
Management of the amount of foregone revenue in accordance with 57027
section 1533.15 of the Revised Code, the foregoing appropriation 57028
item in the General Revenue Fund, appropriation item 725-425, 57029
Wildlife License Reimbursement, shall be used to reimburse the 57030
Wildlife Fund (Fund 015) for the cost of hunting and fishing 57031
licenses and permits issued after June 30, 1990, to individuals 57032
who are exempted under the Revised Code from license, permit, and 57033
stamp fees. 57034

CANAL LANDS 57035

The foregoing appropriation item 725-456, Canal Lands, shall 57036
be used to transfer funds to the Canal Lands Fund (Fund 430) to 57037
provide operating expenses for the State Canal Lands Program. The 57038
transfer shall be made using an intrastate transfer voucher and 57039
shall be subject to the approval of the Director of Budget and 57040
Management. 57041

SOIL AND WATER DISTRICTS 57042

In addition to state payments to soil and water conservation 57043
districts authorized by section 1515.10 of the Revised Code, the 57044

Department of Natural Resources may pay to any soil and water conservation district, from authority in appropriation item 725-502, Soil and Water Districts, an annual amount not to exceed \$30,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district. The foregoing appropriation item 725-683, Soil and Water Districts, shall be expended for the purposes described above, except that the funding source for this appropriation shall be a fee applied on the disposal of construction and demolition debris as provided in section 1515.14 of the Revised Code, as amended by this act.

STATE PARK DEPRECIATION RESERVE

The foregoing appropriation item 725-680, Parks Facilities Maintenance, shall be used by the Division of Parks and Recreation to maintain state park revenue-producing facilities in the best economic operating condition and to repair and replace equipment used in the operation of state park revenue producing facilities.

OIL AND GAS WELL PLUGGING

The foregoing appropriation item 725-677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. No funds from the appropriation item shall be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. Appropriation authority from this appropriation item shall not be transferred to any other fund or line item.

LITTER CONTROL AND RECYCLING 57077

Of the foregoing appropriation item, 725-644, Litter Control 57078
and Recycling, not more than \$1,500,000 may be used in each fiscal 57079
year for the administration of the Recycling and Litter Prevention 57080
program. 57081

CLEAN OHIO OPERATING EXPENSES 57082

The foregoing appropriation item 725-405, Clean Ohio 57083
Operating, shall be used by the Department of Natural Resources in 57084
administering section 1519.05 of the Revised Code. 57085

WATERCRAFT MARINE PATROL 57086

Of the foregoing appropriation item 739-401, Division of 57087
Watercraft, not more than \$200,000 in each fiscal year shall be 57088
expended for the purchase of equipment for marine patrols 57089
qualifying for funding from the Department of Natural Resources 57090
pursuant to section 1547.67 of the Revised Code. Proposals for 57091
equipment shall accompany the submission of documentation for 57092
receipt of a marine patrol subsidy pursuant to section 1547.67 of 57093
the Revised Code and shall be loaned to eligible marine patrols 57094
pursuant to a cooperative agreement between the Department of 57095
Natural Resources and the eligible marine patrol. 57096

WATERCRAFT REVOLVING LOAN PROGRAM 57097

Upon certification by the Director of Natural Resources, the 57098
Director of Budget and Management shall transfer an amount not to 57099
exceed \$1,000,000 in fiscal year 2008 and not to exceed \$1,000,000 57100
in fiscal year 2009 so certified from the Waterways Safety Fund 57101
(Fund 086) to the Watercraft Revolving Loans Fund (Fund 5AW). The 57102
moneys shall be used pursuant to sections 1547.721 to 1547.726 of 57103
the Revised Code. 57104

PARKS CAPITAL EXPENSES FUND 57105

The Director of Natural Resources shall submit to the 57106

Director of Budget and Management the estimated design, 57107
engineering, and planning costs of capital-related work to be done 57108
by Department of Natural Resources staff for parks projects. If 57109
the Director of Budget and Management approves the estimated 57110
costs, the Director may release appropriations from appropriation 57111
item 725-406, Parks Projects Personnel, for those purposes. Upon 57112
release of the appropriations, the Department of Natural Resources 57113
shall pay for these expenses from the Parks Capital Expenses Fund 57114
(Fund 227). Expenses paid from Fund 227 shall be reimbursed by the 57115
Parks and Recreation Improvement Fund (Fund 035) using an 57116
intrastate transfer voucher. 57117

CAPITAL EXPENSES FUND 57118

The Department of Natural Resources shall periodically 57119
prepare and submit to the Director of Budget and Management the 57120
estimated design, planning, and engineering costs of 57121
capital-related work to be done by the Department of Natural 57122
Resources for each project. Based on the estimates, the Director 57123
of Budget and Management may release appropriations from 57124
appropriation item CAP-753, Project Planning, within the Ohio 57125
Parks and Natural Resources Fund (Fund 031) to pay for design, 57126
planning, and engineering costs incurred by the Department of 57127
Natural Resources for the projects. Upon release of the 57128
appropriations by the Director of Budget and Management, the 57129
Department of Natural Resources shall pay for these expenses from 57130
the Capital Expenses Fund (Fund 4S9), and shall be reimbursed by 57131
the Ohio Parks and Natural Resources Fund (Fund 031) using an 57132
intrastate voucher. 57133

FUND CONSOLIDATION 57134

On July 1, 2007, or as soon thereafter as possible, the 57135
Director of Budget and Management shall transfer the cash balance 57136
as certified by the Director of Natural Resources from the Federal 57137
Forestry Fund (Fund 328) to the State Forest Fund (Fund 509). The 57138

Director shall cancel any remaining outstanding encumbrances 57139
against appropriation item 725-603, Forestry-Federal, and 57140
re-establish them against appropriation item 725-602, State 57141
Forest. The amounts of any encumbrances canceled and 57142
re-established are hereby appropriated. 57143

On July 1, 2007, or as soon thereafter as possible, the 57144
Director of Budget and Management shall transfer the cash balance 57145
as certified by the Director of Natural Resources from the REALM 57146
Support Services Fund (Fund 206) to the Fountain Square Facilities 57147
Management Fund (Fund 635). The Director shall cancel any 57148
remaining outstanding encumbrances against appropriation item 57149
725-689, REALM Support Services, and re-establish them against 57150
appropriation item 725-664, Fountain Square Facilities Management. 57151
The amounts of any encumbrances canceled and re-established are 57152
hereby appropriated. 57153

STATE PARK OPERATING 57154

All proceeds from insurance companies and any other sources 57155
for the replacement and construction of the Lake Hope Lodge and 57156
its appurtances shall be deposited into the State Park Operating 57157
Fund (Fund 512). 57158

Section 345.10. NUR STATE BOARD OF NURSING 57159

General Services Fund Group 57160

4K9 884-609 Operating Expenses \$ 5,661,280 \$ 5,661,280 57161

5P8 884-601 Nursing Special Issues \$ 5,000 \$ 5,000 57162

5AC 884-602 Nurse Education Grant \$ 1,450,000 \$ 1,450,000 57163

Program

TOTAL GSF General Services 57164

Fund Group \$ 7,116,280 \$ 7,116,280 57165

TOTAL ALL BUDGET FUND GROUPS \$ 7,116,280 \$ 7,116,280 57166

NURSING SPECIAL ISSUES 57167

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 Code.

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD

General Services Fund Group

4K9 890-609 Operating Expenses	\$	892,241	\$	963,984	57175
TOTAL GSF General Services Fund Group	\$	892,241	\$	963,984	57176
TOTAL ALL BUDGET FUND GROUPS	\$	892,241	\$	963,984	57177

Section 349.10. OLA OHIOANA LIBRARY ASSOCIATION

General Revenue Fund

GRF 355-501 Library Subsidy	\$	200,000	\$	200,000	57181
TOTAL GRF General Revenue Fund	\$	200,000	\$	200,000	57182
TOTAL ALL BUDGET FUND GROUPS	\$	200,000	\$	200,000	57183

Section 351.10. ODB OHIO OPTICAL DISPENSERS BOARD

General Services Fund Group

4K9 894-609 Operating Expenses	\$	333,656	\$	345,324	57187
TOTAL GSF General Services Fund Group	\$	333,656	\$	345,324	57189
TOTAL ALL BUDGET FUND GROUPS	\$	333,656	\$	345,324	57190

Section 353.10. OPT STATE BOARD OF OPTOMETRY

General Services Fund Group

4K9 885-609 Operating Expenses	\$	344,571	\$	351,071	57194
TOTAL GSF General Services Fund Group	\$	344,571	\$	351,071	57196
TOTAL ALL BUDGET FUND GROUPS	\$	344,571	\$	351,071	57197

Section 355.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS,				57199
AND PEDORTHICS				57200
General Services Fund Group				57201
4K9 973-609 Operating Expenses	\$	111,300	\$ 116,260	57202
TOTAL GSF General Services				57203
Fund Group	\$	111,300	\$ 116,260	57204
TOTAL ALL BUDGET FUND GROUPS	\$	111,300	\$ 116,260	57205
 Section 357.10. PBR STATE PERSONNEL BOARD OF REVIEW				57206
General Revenue Fund				57207
GRF 124-321 Operating	\$	1,148,181	\$ 1,201,643	57208
TOTAL GRF General Revenue Fund	\$	1,148,181	\$ 1,201,643	57209
General Services Fund Group				57210
636 124-601 Records and Reporting	\$	15,000	\$ 15,000	57211
Support				
TOTAL GSF General Services				57212
Fund Group	\$	15,000	\$ 15,000	57213
TOTAL ALL BUDGET FUND GROUPS	\$	1,163,181	\$ 1,216,643	57214
 Section 359.10. UST PETROLEUM UNDERGROUND STORAGE TANK				57216
Agency Fund Group				57217
691 810-632 PUSTRCB Staff	\$	1,116,658	\$ 1,169,181	57218
TOTAL AGY Agency Fund Group	\$	1,116,658	\$ 1,169,181	57219
TOTAL ALL BUDGET FUND GROUPS	\$	1,116,658	\$ 1,169,181	57220
 Section 361.10. PRX STATE BOARD OF PHARMACY				57222
General Services Fund Group				57223
4A5 887-605 Drug Law Enforcement	\$	75,550	\$ 75,550	57224
4K9 887-609 Operating Expenses	\$	4,874,572	\$ 5,251,032	57225
TOTAL GSF General Services Fund	\$	4,950,122	\$ 5,326,582	57226
Group				

Federal Special Revenue Fund Group				57227
3BC 887-604 Dangerous Drugs	\$	558,531	\$ 491,405	57228
Database				
TOTAL FED Federal Special Revenue	\$	558,531	\$ 491,405	57229
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	5,508,653	\$ 5,817,987	57230
 Section 363.10. PSY STATE BOARD OF PSYCHOLOGY				57232
General Services Fund Group				57233
4K9 882-609 Operating Expenses	\$	586,565	\$ 586,565	57234
TOTAL GSF General Services				57235
Fund Group	\$	586,565	\$ 586,565	57236
TOTAL ALL BUDGET FUND GROUPS	\$	586,565	\$ 586,565	57237
 Section 365.10. PUB OHIO PUBLIC DEFENDER COMMISSION				57239
General Revenue Fund				57240
GRF 019-321 Public Defender	\$	1,287,404	\$ 1,347,070	57241
Administration				
GRF 019-401 State Legal Defense	\$	5,914,023	\$ 6,120,592	57242
Services				
GRF 019-403 Multi-County: State	\$	766,402	\$ 762,727	57243
Share				
GRF 019-404 Trumbull County -	\$	244,816	\$ 243,650	57244
State Share				
GRF 019-405 Training Account	\$	31,324	\$ 31,324	57245
GRF 019-501 County Reimbursement	\$	29,834,251	\$ 29,572,857	57246
TOTAL GRF General Revenue Fund	\$	38,078,220	\$ 38,078,220	57247
General Services Fund Group				57248
101 019-602 Inmate Legal	\$	33,338	\$ 34,638	57249
Assistance				
407 019-604 County Representation	\$	219,800	\$ 227,500	57250
408 019-605 Client Payments	\$	611,537	\$ 476,760	57251

5CX 019-617 Civil Case Filing Fee	\$	409,237	\$	598,400	57252
TOTAL GSF General Services					57253
Fund Group	\$	1,273,912	\$	1,337,298	57254
Federal Special Revenue Fund Group					57255
3S8 019-608 Federal Representation	\$	350,948	\$	364,917	57256
TOTAL FED Federal Special Revenue					57257
Fund Group	\$	350,948	\$	364,917	57258
State Special Revenue Fund Group					57259
4C7 019-601 Multi-County: County	\$	2,181,300	\$	2,288,200	57260
Share					
4X7 019-610 Trumbull County -	\$	696,800	\$	731,000	57261
County Share					
574 019-606 Civil Legal Aid	\$	40,000,000	\$	40,000,000	57262
TOTAL SSR State Special Revenue					57263
Fund Group	\$	42,878,100	\$	43,019,200	57264
TOTAL ALL BUDGET FUND GROUPS	\$	82,581,180	\$	82,799,635	57265

INDIGENT DEFENSE OFFICE 57266

The foregoing appropriation items 019-404, Trumbull County - 57267
 State Share, and 019-610, Trumbull County - County Share, shall be 57268
 used to support an indigent defense office for Trumbull County. 57269

MULTI-COUNTY OFFICE 57270

The foregoing appropriation items 019-403, Multi-County: 57271
 State Share, and 019-601, Multi-County: County Share, shall be 57272
 used to support the Office of the Ohio Public Defender's 57273
 Multi-County Branch Office Program. 57274

TRAINING ACCOUNT 57275

The foregoing appropriation item 019-405, Training Account, 57276
 shall be used by the Ohio Public Defender to provide legal 57277
 training programs at no cost for private appointed counsel who 57278
 represent at least one indigent defendant at no cost and for state 57279
 and county public defenders and attorneys who contract with the 57280

Ohio Public Defender to provide indigent defense services.	57281
FEDERAL REPRESENTATION	57282
The foregoing appropriation item 019-608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation in federal court cases and to support representation in such cases.	57283 57284 57285 57286 57287
Section 367.10. DHS DEPARTMENT OF PUBLIC SAFETY	57288
General Revenue Fund	57289
GRF 763-403 Operating Expenses - \$ 6,664,697 \$ 6,664,697	57290
EMA	
GRF 768-424 Operating Expenses - \$ 814,478 \$ 814,478	57291
CJS	
GRF 769-321 Food Stamp Trafficking \$ 752,000 \$ 752,000	57292
Enforcement Operations	
TOTAL GRF General Revenue Fund \$ 8,231,175 \$ 8,231,175	57293
TOTAL ALL BUDGET FUND GROUPS \$ 8,231,175 \$ 8,231,175	57294
OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT	57295
Of the foregoing appropriation item 763-403, Operating Expenses - EMA, \$200,000 in each fiscal year shall be used to fund the Ohio Task Force One - Urban Search and Rescue Unit and other urban search and rescue programs around the state to create a stronger search and rescue capability statewide.	57296 57297 57298 57299 57300
EMA HOMELAND SECURITY GRANT	57301
Of the foregoing appropriation item 763-403, Operating Expenses - EMA, \$2,500,000 in each fiscal year shall be used for a grant to the Ohio United Way for implementation of the 211 Initiative. The Ohio United Way shall develop a funding plan that includes programmatic, infrastructure, and administrative costs. Moneys shall be released upon submission of the plan to the Ohio	57302 57303 57304 57305 57306 57307

Emergency Management Agency.				57308
Section 369.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO				57309
General Services Fund Group				57310
5F6 870-622 Utility and Railroad	\$	32,820,027	\$ 33,804,627	57311
Regulation				
5F6 870-624 NARUC/NRRI Subsidy	\$	158,000	\$ 158,000	57312
5F6 870-625 Motor Transportation	\$	4,635,413	\$ 4,772,765	57313
Regulation				
TOTAL GSF General Services				57314
Fund Group	\$	37,613,440	\$ 38,735,392	57315
Federal Special Revenue Fund Group				57316
3V3 870-604 Commercial Vehicle	\$	300,000	\$ 300,000	57317
Information				
Systems/Networks				
333 870-601 Gas Pipeline Safety	\$	597,957	\$ 597,959	57318
350 870-608 Motor Carrier Safety	\$	7,137,534	\$ 7,351,660	57319
TOTAL FED Federal Special Revenue				57320
Fund Group	\$	8,035,491	\$ 8,249,619	57321
State Special Revenue Fund Group				57322
4A3 870-614 Grade Crossing	\$	1,349,757	\$ 1,349,757	57323
Protection				
Devices-State				
4L8 870-617 Pipeline Safety-State	\$	187,621	\$ 187,621	57324
4S6 870-618 Hazardous Material	\$	464,325	\$ 464,325	57325
Registration				
4S6 870-621 Hazardous Materials	\$	373,346	\$ 373,346	57326
Base State				
Registration				
4U8 870-620 Civil Forfeitures	\$	284,986	\$ 284,986	57327
5BP 870-623 Wireless 9-1-1	\$	26,875,000	\$ 13,375,000	57328
Administration				

559	870-605	Public Utilities	\$	4,000	\$	4,000	57329
		Territorial					
		Administration					
560	870-607	Public Utilities	\$	100,000	\$	100,000	57330
		Investigations					
561	870-606	Power Siting Board	\$	404,651	\$	404,652	57331
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	57332
661	870-612	Hazardous Materials	\$	900,000	\$	900,000	57333
		Transportation					
TOTAL SSR State Special Revenue							57334
Fund Group			\$	30,983,686	\$	17,483,687	57335
Agency Fund Group							57336
4G4	870-616	Base State	\$	2,000,000	\$	0	57337
		Registration Program					
TOTAL AGY Agency Fund Group			\$	2,000,000	\$	0	57338
TOTAL ALL BUDGET FUND GROUPS			\$	78,632,617	\$	64,468,698	57339
COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT							57340
The fund created by section 4923.26 of the Revised Code is							57341
the same fund, with a new name, as the Commercial Vehicle							57342
Information Systems and Networks Fund (Fund 3V3).							57343
ENHANCED AND WIRELESS ENHANCED 9-1-1							57344
The foregoing appropriation item 870-623, Wireless 9-1-1							57345
Administration, shall be used pursuant to section 4931.63 of the							57346
Revised Code.							57347
Section 371.10. PWC PUBLIC WORKS COMMISSION							57348
General Revenue Fund							57349
GRF	150-904	Conservation General	\$	14,847,200	\$	19,779,200	57350
		Obligation Debt					
		Service					
GRF	150-907	State Capital	\$	177,513,600	\$	188,696,300	57351

Improvements			
General Obligation			57352
Debt Service			
TOTAL GRF General Revenue Fund	\$ 192,360,800	\$ 208,475,500	57353
Clean Ohio Fund Group			57354
056 150-403 Clean Ohio Operating	\$ 301,537	\$ 311,509	57355
Expenses			
TOTAL 056 Clean Ohio Fund Group	\$ 301,537	\$ 311,509	57356
TOTAL ALL BUDGET FUND GROUPS	\$ 192,662,337	\$ 208,787,009	57357
CONSERVATION GENERAL OBLIGATION DEBT SERVICE			57358
The foregoing appropriation item 150-904, Conservation			57359
General Obligation Debt Service, shall be used to pay all debt			57360
service and related financing costs during the period from July 1,			57361
2007, through June 30, 2009, at the times they are required to be			57362
made for obligations issued under sections 151.01 and 151.09 of			57363
the Revised Code.			57364
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE			57365
The foregoing appropriation item 150-907, State Capital			57366
Improvements General Obligation Debt Service, shall be used to pay			57367
all debt service and related financing costs during the period			57368
from July 1, 2007, to June 30, 2009, at the times they are			57369
required to be made for obligations issued under sections 151.01			57370
and 151.08 of the Revised Code.			57371
REIMBURSEMENT TO THE GENERAL REVENUE FUND			57372
(A) On or before July 15, 2009, the Director of the Public			57373
Works Commission shall certify to the Director of Budget and			57374
Management the following:			57375
(1) The total amount disbursed from appropriation item			57376
700-409, Farmland Preservation, during the fiscal year 2008-2009			57377
biennium; and			57378

(2) The amount of interest earnings that have been credited 57379
to the Clean Ohio Conservation Fund (Fund 056) that are in excess 57380
of the amount needed for other purposes as calculated by the 57381
Director of the Public Works Commission. 57382

(B) If the Director of Budget and Management determines under 57383
division (A)(2) of this section that there are excess interest 57384
earnings, the Director of Budget and Management shall, on or 57385
before July 15, 2009, transfer the excess interest earnings to the 57386
General Revenue Fund in an amount equal to the total amount 57387
disbursed under division (A)(1) of this section from the Clean 57388
Ohio Conservation Fund. 57389

CLEAN OHIO OPERATING EXPENSES 57390

The foregoing appropriation item 150-403, Clean Ohio 57391
Operating Expenses, shall be used by the Ohio Public Works 57392
Commission in administering sections 164.20 to 164.27 of the 57393
Revised Code. 57394

Section 373.10. RAC STATE RACING COMMISSION 57395

State Special Revenue Fund Group 57396

5C4 875-607 Simulcast Horse Racing \$ 16,000,000 \$ 16,000,000 57397
Purse

562 875-601 Thoroughbred Race Fund \$ 3,100,000 \$ 3,100,000 57398

563 875-602 Standardbred \$ 2,600,000 \$ 2,600,000 57399
Development Fund

564 875-603 Quarterhorse \$ 1,000 \$ 1,000 57400
Development Fund

565 875-604 Racing Commission \$ 4,487,599 \$ 4,487,599 57401
Operating

TOTAL SSR State Special Revenue 57402

Fund Group \$ 26,188,599 \$ 26,188,599 57403

Holding Account Redistribution Fund Group 57404

R21 875-605 Bond Reimbursements	\$	212,900	\$	212,900	57405
TOTAL 090 Holding Account					57406
Redistribution					
Fund Group	\$	212,900	\$	212,900	57407
TOTAL ALL BUDGET FUND GROUPS	\$	26,401,499	\$	26,401,499	57408
Section 375.10. BOR BOARD OF REGENTS					57410
General Revenue Fund					57411
GRF 235-321 Operating Expenses	\$	3,141,351	\$	3,141,351	57412
GRF 235-401 Lease Rental Payments	\$	203,177,900	\$	136,017,500	57413
GRF 235-402 Sea Grants	\$	231,925	\$	231,925	57414
GRF 235-406 Articulation and Transfer	\$	2,900,000	\$	2,900,000	57415
GRF 235-408 Midwest Higher Education Compact	\$	95,000	\$	95,000	57416
GRF 235-409 Information System	\$	1,175,172	\$	1,175,172	57417
GRF 235-414 State Grants and Scholarship Administration	\$	1,707,881	\$	1,707,881	57418
GRF 235-415 Jobs Challenge	\$	9,348,300	\$	9,348,300	57419
GRF 235-417 Ohio Learning Network	\$	3,119,496	\$	3,119,496	57420
GRF 235-418 Access Challenge	\$	78,342,183	\$	78,694,875	57421
GRF 235-420 Success Challenge	\$	53,653,973	\$	53,653,973	57422
GRF 235-428 Appalachian New Economy Partnership	\$	1,176,068	\$	1,176,068	57423
GRF 235-433 Economic Growth Challenge	\$	17,186,194	\$	17,186,194	57424
GRF 235-434 College Readiness and Access	\$	12,655,425	\$	12,655,425	57425
GRF 235-435 Teacher Improvement Initiatives	\$	4,697,506	\$	11,197,506	57426
GRF 235-436 AccelerateOhio	\$	2,500,000	\$	5,000,000	57427
GRF 235-451 Eminent Scholars	\$	0	\$	1,370,988	57428

GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	57429
GRF 235-474	Area Health Education Centers Program Support	\$	1,571,756	\$	1,571,756	57430
GRF 235-501	State Share of Instruction	\$	1,589,096,031	\$	1,589,096,031	57431
GRF 235-502	Student Support Services	\$	795,790	\$	795,790	57432
GRF 235-503	Ohio Instructional Grants	\$	42,533,966	\$	18,315,568	57433
GRF 235-504	War Orphans Scholarships	\$	4,812,321	\$	4,812,321	57434
GRF 235-507	OhioLINK	\$	6,887,824	\$	6,887,824	57435
GRF 235-508	Air Force Institute of Technology	\$	1,925,345	\$	1,925,345	57436
GRF 235-509	Women in Transition	\$	200,000	\$	200,000	57437
GRF 235-510	Ohio Supercomputer Center	\$	4,271,195	\$	4,271,195	57438
GRF 235-511	Cooperative Extension Service	\$	25,644,863	\$	25,644,863	57439
GRF 235-513	Ohio University Voinovich Center	\$	669,082	\$	669,082	57440
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,011,271	\$	3,011,271	57441
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000	57442
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470	57443
GRF 235-520	Shawnee State Supplement	\$	2,502,323	\$	2,577,393	57444
GRF 235-521	The Ohio State University Glenn Institute	\$	619,082	\$	619,082	57445

GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959	57446
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110	57447
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688	57448
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957	57449
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	57450
GRF 235-531	Student Choice Grants	\$	17,985,376	\$	17,985,376	57451
GRF 235-535	Ohio Agricultural Research and Development Center	\$	36,674,292	\$	36,674,292	57452
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	57453
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756	57454
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866	57455
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107	57456
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	57457
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	57458
GRF 235-547	School of International Business	\$	450,000	\$	450,000	57459
GRF 235-552	Capital Component	\$	19,306,442	\$	19,306,442	57460
GRF 235-553	Dayton Area Graduate	\$	2,806,599	\$	2,806,599	57461

	Studies Institute				
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548
					57462
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458
					57463
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223
					57464
GRF 235-558	Long-term Care Research	\$	211,047	\$	211,047
					57465
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015
					57466
GRF 235-563	Ohio College Opportunity Grant	\$	139,974,954	\$	151,113,781
					57467
GRF 235-567	Central State University Speed to Scale	\$	4,400,000	\$	3,800,000
					57468
GRF 235-568	Higher Education Compact	\$	79,454,801	\$	112,825,818
					57469
GRF 235-572	The Ohio State University Clinic Support	\$	1,277,019	\$	1,277,019
					57470
GRF 235-583	Urban University Program	\$	5,550,937	\$	5,550,937
					57471
GRF 235-587	Rural University Projects	\$	1,147,889	\$	1,147,889
					57472
GRF 235-596	Hazardous Materials Program	\$	360,435	\$	360,435
					57473
GRF 235-599	National Guard Scholarship Program	\$	16,611,063	\$	16,611,063
					57474
GRF 235-909	Higher Education General Obligation Debt Service	\$	172,722,400	\$	208,747,200
					57475

TOTAL GRF General Revenue Fund		\$ 2,651,172,945	\$ 2,650,527,541	57476
General Services Fund Group				57477
220 235-614 Program Approval and Reauthorization	\$	800,000	\$ 800,000	57478
456 235-603 Sales and Services	\$	700,000	\$ 700,000	57479
TOTAL GSF General Services Fund Group		\$ 1,500,000	\$ 1,500,000	57480 57481
Federal Special Revenue Fund Group				57482
3BG 235-626 Star Schools	\$	2,980,865	\$ 2,990,746	57483
3H2 235-608 Human Services Project	\$	3,000,000	\$ 3,000,000	57484
3H2 235-622 Medical Collaboration Network	\$	3,346,144	\$ 3,346,144	57485
3N6 235-605 State Student Incentive Grants	\$	2,196,680	\$ 2,196,680	57486
3T0 235-610 National Health Service Corps - Ohio Loan Repayment	\$	250,000	\$ 250,000	57487
312 235-609 Tech Prep	\$	183,850	\$ 183,850	57488
312 235-611 Gear-up Grant	\$	3,300,000	\$ 3,300,000	57489
312 235-612 Carl D. Perkins Grant/Plan Administration	\$	112,960	\$ 112,960	57490
312 235-617 Improving Teacher Quality Grant	\$	3,200,000	\$ 3,200,000	57491
312 235-621 Science Education Network	\$	1,686,970	\$ 1,686,970	57492
TOTAL FED Federal Special Revenue Fund Group		\$ 20,257,469	\$ 20,267,350	57493 57494
State Special Revenue Fund Group				57495
4E8 235-602 Higher Educational Facility Commission Administration	\$	50,000	\$ 45,000	57496

4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870	57497
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	57498
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	57499
5DT	235-627	American Diploma Project	\$	250,000	\$	0	57500
TOTAL SSR State Special Revenue							57501
Fund Group			\$	2,429,870	\$	2,174,870	57502
TOTAL ALL BUDGET FUND GROUPS			\$	2,675,360,284	\$	2,674,469,761	57503

Section 375.10.10. OPERATING EXPENSES 57505

Of the foregoing appropriation item 235-321, Operating Expenses, up to \$150,000 in each fiscal year shall be used in conjunction with funding provided in the Department of Education budget under appropriation item 200-427, Academic Standards, to fund the operations of Ohio's Partnership for Continued Learning. 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 Director of Budget and Management may transfer any unencumbered fiscal year 2008 balance to fiscal year 2009 to support the activities of the Partnership.

Section 375.10.20. LEASE RENTAL PAYMENTS 57517

The foregoing appropriation item 235-401, 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, 2007, to June 30, 2009, by the Board of Regents under leases and agreements made under section 154.21 of the Revised Code. These appropriations are the source of funds pledged for bond service charges or

obligations issued pursuant to Chapter 154. of the Revised Code. 57524

Section 375.10.30. SEA GRANTS 57525

The foregoing appropriation item 235-402, Sea Grants, shall 57526
be disbursed to the Ohio State University and shall be used to 57527
conduct research on fish in Lake Erie. 57528

Section 375.10.40. ARTICULATION AND TRANSFER 57529

The foregoing appropriation item 235-406, Articulation and 57530
Transfer, shall be used by the Board of Regents to maintain and 57531
expand the work of the Articulation and Transfer Council to 57532
develop a system of transfer policies to ensure that students at 57533
state institutions of higher education can transfer and have 57534
coursework apply to their majors and degrees at any other state 57535
institution of higher education without unnecessary duplication or 57536
institutional barriers under sections 3333.16, 3333.161, and 57537
3333.162 of the Revised Code. The Board of Regents shall, in 57538
consultation with the Governor and the Department of Education, 57539
convene a work group to establish coursework for content knowledge 57540
and teacher competencies for early care and education degrees to 57541
support articulation and transfer of coursework, certifications, 57542
and credit earned across state-supported institutions of higher 57543
education. 57544

Of the foregoing appropriation item 235-406, Articulation and 57545
Transfer, \$200,000 in each fiscal year shall be used to support 57546
the work of the Articulation and Transfer Council under division 57547
(B) of section 3333.162 of the Revised Code. 57548

Section 375.10.50. MIDWEST HIGHER EDUCATION COMPACT 57549

The foregoing appropriation item 235-408, Midwest Higher 57550
Education Compact, shall be distributed by the Board of Regents 57551
under section 3333.40 of the Revised Code. 57552

Section 375.10.60. INFORMATION SYSTEM 57553

The foregoing appropriation item 235-409, Information System, 57554
shall be used by the Board of Regents to operate the higher 57555
education information data system known as the Higher Education 57556
Information System. 57557

Section 375.10.70. STATE GRANTS AND SCHOLARSHIP 57558
ADMINISTRATION 57559

The foregoing appropriation item 235-414, State Grants and 57560
Scholarship Administration, shall be used by the Board of Regents 57561
to administer the following student financial aid programs: Ohio 57562
Instructional Grant, Ohio College Opportunity Grant, Ohio Student 57563
Choice Grant, Ohio Academic Scholarship, Ohio War Orphans' 57564
Scholarship, Nurse Education Assistance Loan Program, Regents 57565
Graduate/Professional Fellowship, Ohio Safety Officers College 57566
Memorial Fund, Capitol Scholarship Program, and any other student 57567
financial aid programs created by the General Assembly. The 57568
appropriation item also shall be used to administer the federal 57569
Leveraging Educational Assistance Partnership (LEAP) and Special 57570
Leveraging Educational Assistance Partnership (SLEAP) programs and 57571
other student financial aid programs created by Congress and to 57572
provide fiscal services for the Ohio National Guard Scholarship 57573
Program, the Physician Loan Repayment Program, and the Dentist 57574
Loan Repayment Program. 57575

Section 375.10.80. JOBS CHALLENGE 57576

Funds appropriated to the foregoing appropriation item 57577
235-415, Jobs Challenge, shall be distributed to state-assisted 57578
community and technical colleges, regional campuses of 57579
state-assisted universities, and other organizationally distinct 57580
and identifiable member campuses of the EnterpriseOhio Network in 57581
support of noncredit job-related training. In each fiscal year, 57582

\$2,770,773 shall be distributed as performance grants to 57583
EnterpriseOhio Network campuses based upon each campus's 57584
documented performance according to criteria established by the 57585
Board of Regents for assessment, training, and related services to 57586
businesses, industries, and public sector organizations. 57587

Of the foregoing appropriation item 235-415, Jobs Challenge, 57588
\$2,819,345 in each fiscal year shall be allocated to the Targeted 57589
Industries Training Grant Program to attract, develop, and retain 57590
business and industry strategically important to the state's 57591
economy and regional priorities. 57592

Of the foregoing appropriation item 235-415, Jobs Challenge, 57593
\$3,758,182 in each fiscal year shall be allocated to the Higher 57594
Skills Incentives Program to promote and deliver coordinated 57595
assessment and comprehensive training to local employers and to 57596
reward EnterpriseOhio Network campuses for the amount of 57597
non-credit skill upgrading services provided to Ohio employers and 57598
employees. The funds shall be distributed to campuses in 57599
proportion to each campus's share of noncredit job-related 57600
training revenues received by all campuses for the previous fiscal 57601
year. 57602

Section 375.10.90. OHIO LEARNING NETWORK 57603

The foregoing appropriation item 235-417, Ohio Learning 57604
Network, shall be used by the Board of Regents to support the 57605
continued implementation of the Ohio Learning Network, a statewide 57606
collaborative that delivers adult education including degree 57607
completion, workforce training, and professional development using 57608
online and distance education initiatives. The funds shall be used 57609
by the Ohio Learning Network to develop and promote learning and 57610
assessment through the use of technology, to test and provide 57611
advice on emerging learning-directed technologies, and to 57612
facilitate cost-effectiveness through shared educational 57613

technology investments. 57614

Section 375.20.10. ACCESS CHALLENGE 57615

In each fiscal year, the foregoing appropriation item 57616
235-418, Access Challenge, shall be distributed to Ohio's 57617
state-assisted access colleges and universities. For the purposes 57618
of this allocation, "access campuses" includes state-assisted 57619
community colleges, state community colleges, technical colleges, 57620
Shawnee State University, Central State University, Cleveland 57621
State University, the regional campuses of state-assisted 57622
universities, and, where they are organizationally distinct and 57623
identifiable, the community-technical colleges located at the 57624
University of Cincinnati, Youngstown State University, and the 57625
University of Akron. 57626

The purpose of Access Challenge is to reduce the student 57627
share of costs for resident undergraduates enrolled in lower 57628
division undergraduate courses at Ohio's access campuses. The 57629
long-term goal is to make the student share of costs for these 57630
students equivalent to the student share of costs for resident 57631
undergraduate students enrolled throughout Ohio's public colleges 57632
and universities. Access Challenge appropriations shall be used in 57633
both years of the biennium to sustain, as much as possible, the 57634
tuition restraint or tuition reduction that was achieved with 57635
Access Challenge allocations in prior years. 57636

In fiscal year 2008, Access Challenge subsidies shall be 57637
distributed by the Board of Regents to eligible access campuses on 57638
the basis of the average of each campus's share of fiscal year 57639
2005 and 2006 all-terms subsidy-eligible General Studies FTEs. In 57640
fiscal year 2009, Access Challenge subsidies shall be distributed 57641
by the Board of Regents to eligible access campuses on the basis 57642
of the average of each campus's share of fiscal year 2006 and 2007 57643
all-terms subsidy-eligible General Studies FTEs. 57644

For purposes of this calculation, Cleveland State University's enrollments shall be adjusted by the ratio of the sum of subsidy-eligible lower-division FTE student enrollments eligible for access funding to the sum of subsidy-eligible General Studies FTE student enrollments at Central State University and Shawnee State University, and for the following universities and their regional campuses: the Ohio State University, Ohio University, Kent State University, Bowling Green State University, Miami University, the University of Cincinnati, the University of Akron, and Wright State University.

Of the foregoing appropriation item 235-418, Access Challenge, \$11,756,414 in fiscal year 2008 and \$12,109,106 in fiscal year 2009 shall be used by Central State University to keep undergraduate fees below the statewide average, consistent with its mission of service to many first-generation college students from groups historically underrepresented in higher education and from families with limited incomes.

Section 375.20.20. SUCCESS CHALLENGE

The foregoing appropriation item 235-420, Success Challenge, shall be used by the Board of Regents to promote degree completion by students enrolled at a main campus of a state-assisted university.

Of the foregoing appropriation item 235-420, Success Challenge, 66.67 per cent of the appropriation in each fiscal year shall be distributed to state-assisted university main campuses in proportion to each campus's share of the total statewide bachelor's degrees granted by university main campuses to "at-risk" students. In fiscal years 2008 and 2009, an "at-risk" student means any undergraduate student who was eligible to receive an Ohio need-based financial aid award during the past ten years. An eligible institution shall not receive its share of this

distribution until it has submitted a plan that addresses how the 57676
subsidy will be used to better serve at-risk students and increase 57677
their likelihood of successful completion of a bachelor's degree 57678
program. The Board of Regents shall disseminate to all 57679
state-supported institutions of higher education all such plans 57680
submitted by institutions that received Success Challenge funds. 57681

Of the foregoing appropriation item 235-420, Success 57682
Challenge, 33.33 per cent of the appropriation in each fiscal year 57683
shall be distributed to university main campuses in proportion to 57684
each campus's share of the total bachelor's degrees granted by 57685
university main campuses to undergraduate students who completed 57686
their bachelor's degrees in a "timely manner" in the previous 57687
fiscal year. For purposes of this section, "timely manner" means 57688
the normal time it would take for a full-time degree-seeking 57689
undergraduate student to complete the student's degree. Generally, 57690
for such students pursuing a bachelor's degree, "timely manner" 57691
means four years. Exceptions to this general rule shall be 57692
permitted for students enrolled in programs specifically designed 57693
to be completed in a longer time period. The Board of Regents 57694
shall collect data to assess the timely completion statistics by 57695
university main campuses. 57696

Section 375.20.30. APPALACHIAN NEW ECONOMY PARTNERSHIP 57697

The foregoing appropriation item 235-428, Appalachian New 57698
Economy Partnership, shall be distributed to Ohio University to 57699
continue a multi-campus and multi-agency coordinated effort to 57700
link Appalachia to the new economy. Ohio University shall use 57701
these funds to provide leadership in the development and 57702
implementation of initiatives in the areas of entrepreneurship, 57703
management, education, and technology. 57704

Section 375.20.40. ECONOMIC GROWTH CHALLENGE 57705

The foregoing appropriation item 235-433, Economic Growth Challenge, shall be used to enhance the basic research capabilities of Ohio's public and private institutions of higher education, support improved graduate programs throughout the state, and promote the transfer of technology developed by colleges and universities to private industry to further the economic goals of the state.

Of the foregoing appropriation item 235-433, Economic Growth Challenge, \$12,000,000 in each fiscal year shall be used for the Research Incentive Program to enhance the basic research capabilities of public colleges and universities and accredited Ohio institutions of higher education holding certificates of authorization issued under section 1713.02 of the Revised Code, in order to strengthen academic research for pursuing Ohio's economic development goals. The Board of Regents, in consultation with the 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 57739
invested in Third Frontier Project-related activities. Each 57740
institutional plan for the investment of Research Incentive moneys 57741
shall report on existing, planned, or possible relationships with 57742
other state science and technology programs and funding recipients 57743
in order to further ongoing statewide science and technology 57744
collaboration objectives. The Board of Regents shall submit a 57745
biennial report of progress to the General Assembly. 57746

In each fiscal year, both those state-assisted doctoral 57747
degree-granting universities and those accredited Ohio 57748
institutions of higher education holding certificates of 57749
authorization under section 1713.02 of the Revised Code may elect 57750
to participate in the Innovation Incentive Plan designed to 57751
enhance doctoral programs and areas of research that have the 57752
greatest potential to attract preeminent researchers and build 57753
research capacity; enhance regional or state economic growth by 57754
creating new products and services to be commercialized; and 57755
complement Ohio's Third Frontier Project. 57756

In each fiscal year, funding for the Innovation Incentive 57757
Program shall be generated from those state-assisted doctoral 57758
degree-granting universities electing to set aside a portion of 57759
their allocation of the doctoral reserve as provided in 57760
appropriation item 235-501, State Share of Instruction, and state 57761
matching funds provided in appropriation item 235-433, Economic 57762
Growth Challenge. Additionally, those accredited Ohio institutions 57763
of higher education holding certificates of authorization under 57764
section 1713.02 of the Revised Code electing to participate in the 57765
Innovation Incentive Program shall be required to set aside an 57766
amount comparable to the state-assisted doctoral degree-granting 57767
universities. The criteria for the determination of this amount 57768
shall be developed by the Board of Regents. 57769

Of the foregoing appropriation item 235-433, Economic Growth 57770

Challenge, \$4,686,194 in each fiscal year shall match funds set 57771
aside by the participating universities under the Innovation 57772
Incentive Program. 57773

The Board of Regents shall use the combined amount of each 57774
participating state-assisted university's set aside of the 57775
doctoral reserve that has been withheld, the state matching funds 57776
earmarked under appropriation item 235-433, Economic Growth 57777
Challenge, and the amount set aside by each accredited Ohio 57778
institution of higher education holding a certificate of 57779
authorization under section 1713.02 of the Revised Code electing 57780
to participate in the Innovation Incentive Program to make awards 57781
through a competitive process under the Innovation Incentive 57782
Program. Only universities electing to set aside the prescribed 57783
amount shall be eligible to compete for and receive Innovation 57784
Incentive awards. The participating universities shall use these 57785
awards to restructure their array of doctoral programs. 57786

Of the foregoing appropriation item 235-433, Economic Growth 57787
Challenge, \$500,000 in each fiscal year shall be distributed for 57788
the Technology Commercialization Incentive. The purpose of the 57789
Technology Commercialization Incentive is to reward public and 57790
private colleges and universities for successful technology 57791
transfer to Ohio-based business and industry resulting in the 57792
commercialization of new products, processes, and services and the 57793
establishment of new business start-ups within the state. The 57794
Third Frontier Commission, with counsel from the Third Frontier 57795
Advisory Board, shall establish the eligibility criteria for 57796
public and private colleges and universities interested in 57797
applying for Technology Commercialization Incentive funding. To 57798
qualify for the funds, public and private colleges and 57799
universities must maintain a significant investment in their own 57800
technology-transfer and commercialization operation and 57801
capabilities, and possess a significant history of successful 57802

research partnerships with Ohio-based business and industry. 57803

Section 375.20.50. COLLEGE READINESS AND ACCESS 57804

Appropriation item 235-434, College Readiness and Access, 57805
shall be used by the Board of Regents to support programs designed 57806
to improve the academic preparation and increase the number of 57807
students that enroll and succeed in higher education such as the 57808
Ohio College Access Network, the state match for the federal 57809
Gaining Early Awareness and Readiness for Undergraduate Program, 57810
and early awareness initiatives. The appropriation item shall also 57811
be used to support innovative statewide strategies to increase 57812
student access and retention for specialized populations, and to 57813
provide for pilot projects that will contribute to improving 57814
access to higher education by specialized populations. The funds 57815
also may be used for projects that improve access for nonpublic 57816
secondary students. 57817

Of the foregoing appropriation item 235-434, College 57818
Readiness and Access, \$798,684 in fiscal year 2008 and \$822,645 in 57819
fiscal year 2009 shall be distributed to the Ohio Appalachian 57820
Center for Higher Education at Shawnee State University. The board 57821
of directors of the Center shall consist of the presidents of 57822
Shawnee State University, Belmont Technical College, Hocking 57823
College, Jefferson Community College, Zane State College, Rio 57824
Grande Community College, Southern State Community College, and 57825
Washington State Community College; the president of Ohio 57826
University or a designee of the president; the dean of one of the 57827
Salem, Tuscarawas, and East Liverpool regional campuses of Kent 57828
State University, as designated by the president of Kent State 57829
University; and a representative of the Board of Regents 57830
designated by the Chancellor. 57831

Of the foregoing appropriation item 235-434, College 57832
Readiness and Access, \$169,553 in fiscal year 2008 and \$174,640 in 57833

fiscal year 2009 shall be distributed to Miami University for the 57834
Student Achievement in Research and Scholarship (STARS) Program. 57835

Of the foregoing appropriation item 235-434, College 57836
Readiness and Access, \$3,503,985 in each fiscal year shall be used 57837
in conjunction with funding provided in the Ohio Department of 57838
Education budget under appropriation item 200-431, School 57839
Improvement Initiatives, to support the Early College High School 57840
Program. The funds shall be distributed according to guidelines 57841
established by the Department of Education and the Board of 57842
Regents. 57843

Section 375.20.60. TEACHER IMPROVEMENT INITIATIVES 57844

Appropriation item 235-435, Teacher Improvement Initiatives, 57845
shall be used by the Board of Regents to support programs such as 57846
OSI - Discovery and the Centers of Excellence in Mathematics and 57847
Science designed to raise the quality of mathematics and science 57848
teaching in primary, secondary, and post-secondary education. 57849

Of the foregoing appropriation item 235-435, Teacher 57850
Improvement Initiatives, \$106,619 in each fiscal year shall be 57851
distributed to the Ohio Mathematics and Science Coalition. 57852

Of the foregoing appropriation item 234-435, Teacher 57853
Improvement Initiatives, \$100,000 in each fiscal year shall be 57854
distributed to the Teacher Quality Partnerships study. 57855

Of the foregoing appropriation item 235-435, Teacher 57856
Improvement Initiatives, \$874,871 in each fiscal year shall be 57857
distributed to the Ohio Resource Center for Mathematics, Science, 57858
and Reading. The funds shall be used to support a resource center 57859
for mathematics, science, and reading to be located at a 57860
state-assisted university for the purpose of identifying best 57861
educational practices in primary and secondary schools and 57862
establishing methods for communicating them to colleges of 57863

education and school districts. The Ohio Resource Center for 57864
Mathematics, Science, and Reading shall not make available 57865
resources that are inconsistent with the K-12 science standards 57866
and policies as adopted by the State Board of Education. 57867

Of the foregoing appropriation item 235-435, Teacher 57868
Improvement Initiatives, up to \$2,000,000 in each fiscal year 57869
shall be used to support up to ten regional summer academies that 57870
focus on foreign language, science, mathematics, engineering, and 57871
technology and prepare eleventh and twelfth grade students 57872
enrolled in public schools to pursue college-level foreign 57873
language, mathematics, science, technology, and engineering, with 57874
a focus on secondary teaching in these disciplines. Successful 57875
completion of these academics shall result in dual high school and 57876
college credits. Costs shall be based upon reasonable expenses, as 57877
determined by the Board of Regents, that institutions of higher 57878
education may incur for faculty, supplies, and other associated 57879
costs. 57880

Of the foregoing appropriation item 235-435, Teacher 57881
Improvement Initiatives, up to \$4,000,000 in fiscal year 2009 57882
shall be used to fund teacher-signing bonuses for individuals that 57883
enter the teaching profession in a public school district or 57884
school district building that has been designated a hard-to-staff 57885
school by the Department of Education. To qualify for the signing 57886
bonus, an individual must: (a) be licensed to teach; (b) be 57887
assigned to teach in foreign language, science, or mathematics; 57888
and (c) agree to teach in a hard-to-staff school for a minimum of 57889
five years. An individual may qualify for up to \$20,000 in 57890
state-funded bonuses if all obligations are met. The Board of 57891
Regents shall develop this program jointly with the Department of 57892
Education and the Partnership for Continued Learning. An 57893
individual may participate in either the teacher-signing bonus 57894
program or the teacher loan-forgiveness program, but may not 57895

receive benefits from both programs. The Board of Regents shall 57896
recoup funds received by any program participant who has not 57897
fulfilled the five-year teaching obligation as described in this 57898
section. 57899

Of the foregoing appropriation item 235-435, Teacher 57900
Improvement Initiatives, up to \$2,500,000 in fiscal year 2009 57901
shall be used to fund teacher loan-forgiveness for individuals 57902
that enter the teaching profession in a school district or school 57903
district building that has been designated as a hard-to-staff 57904
school by the Department of Education. To qualify for the loan 57905
forgiveness, an individual must: (a) be licensed to teach; (b) be 57906
assigned to teach in foreign language, science, or mathematics; 57907
and (c) agree to teach in a hard-to-staff school for a minimum of 57908
five years. An individual may qualify for up to \$20,000 in state 57909
funded loan forgiveness if all obligations are met. The Board of 57910
Regents shall develop this program jointly with the Department of 57911
Education and the Partnership for Continued Learning. An 57912
individual may participate in either the teacher-signing bonus 57913
program or the teacher loan-forgiveness program, but may not 57914
receive benefits from both programs. The Board of Regents shall 57915
recoup funds received by any program participant who has not 57916
fulfilled the five-year teaching obligation as described in this 57917
section. 57918

Section 375.20.70. ACCELERATEOHIO 57919

The foregoing appropriation item 235-436 AccelerateOhio, 57920
shall be used by the Board of Regents, in collaboration with 57921
Ohio's public two-year campuses, to develop and implement a 57922
statewide program designed to improve the education and skills of 57923
Ohio's workforce by assisting low-income working adults in Ohio to 57924
improve their education and training. AccelerateOhio shall consist 57925
of competency-based, low-cost, noncredit, and credit-bearing 57926

modules and courses in communications, mathematics, and 57927
information technology, and other fields selected by the Board of 57928
Regents. The program shall be designed to culminate in a 57929
certificate and provide recipients with a foundation for 57930
additional post-secondary education. 57931

Section 375.20.80. EMINENT SCHOLARS 57932

The foregoing appropriation item 235-451, Eminent Scholars, 57933
shall be used by the Ohio Board of Regents to continue the Ohio 57934
Eminent Scholars Program, the purpose of which is to invest 57935
educational resources to address problems that are of vital 57936
statewide significance while fostering the growth in eminence of 57937
Ohio's academic programs. Ohio Eminent Scholars endowed chairs 57938
shall allow Ohio universities to recruit senior faculty members 57939
from outside Ohio who are nationally and internationally 57940
recognized scholars in areas of science and technology that 57941
provide the basic research platforms on which the state's 57942
technology and commercialization efforts are built. Endowment 57943
grants of approximately \$685,494 to state colleges and 57944
universities and nonprofit Ohio institutions of higher education 57945
holding certificates of authorization issued under section 1713.02 57946
of the Revised Code to match endowment gifts from nonstate sources 57947
may be made in accordance with a plan established by the Ohio 57948
Board of Regents. Matching nonstate endowment gifts shall be equal 57949
to the state's endowment grant of approximately \$685,494. The 57950
grants shall have as their purpose attracting and sustaining in 57951
Ohio scholar-leaders of national or international prominence; each 57952
grant shall assist in accelerating state economic growth through 57953
research that provides an essential basic science platform for 57954
commercialization efforts. Such scholar-leaders shall, among their 57955
duties, share broadly the benefits and knowledge unique to their 57956
fields of scholarship to the betterment of Ohio and its people and 57957
collaborate with other state technology programs and program 57958

recipients. 57959

All new Eminent Scholar awards made by the Board of Regents 57960
shall be associated with a Wright Center of Innovation, a 57961
Partnership Award from the Biomedical Research and Technology 57962
Transfer Trust Fund, or a Wright Capital Project. 57963

Section 375.20.90. ENTERPRISEOHIO NETWORK 57964

The foregoing appropriation item 235-455, EnterpriseOhio 57965
Network, shall be allocated by the Board of Regents to continue 57966
increasing the capabilities of the EnterpriseOhio Network to meet 57967
the ongoing training needs of Ohio employers. Funds shall support 57968
multicampus collaboration, best practice dissemination, and 57969
capacity building projects. The Regents Advisory Committee for 57970
Workforce Development, in its advisory role, shall advise in the 57971
development of plans and activities. 57972

Section 375.30.10. AREA HEALTH EDUCATION CENTERS 57973

The foregoing appropriation item 235-474, Area Health 57974
Education Centers Program Support, shall be used by the Board of 57975
Regents to support the medical school regional area health 57976
education centers' educational programs for the continued support 57977
of medical and other health professions education and for support 57978
of the Area Health Education Center Program. 57979

Of the foregoing appropriation item 235-474, Area Health 57980
Education Centers Program Support, \$159,158 in each fiscal year 57981
shall be disbursed to the Ohio University College of Osteopathic 57982
Medicine to operate a mobile health care unit to serve the 57983
southeastern area of the state. 57984

Of the foregoing appropriation item 235-474, Area Health 57985
Education Centers Program Support, \$119,369 in each fiscal year 57986
shall be used to support the Ohio Valley Community Health 57987
Information Network (OVCHIN) project. 57988

Section 375.30.20. STATE SHARE OF INSTRUCTION 57989

The Board of Regents shall establish procedures to allocate 57990
the foregoing appropriation item 235-501, State Share of 57991
Instruction, based on the formulas and enrollment in the 57992
instructional models set out in this section. 57993

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS 57994

(1) As soon as practicable during each fiscal year of the 57995
biennium ending June 30, 2009, in accordance with instructions of 57996
the Board of Regents, each state-assisted institution of higher 57997
education shall report its actual enrollment to the Board of 57998
Regents. 57999

(2) In defining the number of full-time equivalent students 58000
for state subsidy purposes, the Board of Regents shall exclude all 58001
undergraduate students who are not residents of Ohio, except those 58002
charged in-state fees in accordance with reciprocity agreements 58003
made under section 3333.17 of the Revised Code or employer 58004
contracts entered into under section 3333.32 of the Revised Code. 58005

(3) In calculating the core subsidy entitlements for Medical 58006
II models only, the Board of Regents shall use the following count 58007
of FTE students: 58008

(a) For those medical schools whose current year enrollment, 58009
including students repeating terms, is below the base enrollment, 58010
the Medical II FTE enrollment shall equal: 65 per cent of the base 58011
enrollment plus 35 per cent of the current year enrollment 58012
including students repeating terms, where the base enrollment is: 58013

The Ohio State University	1010	58014
University of Cincinnati	833	58015
University of Toledo	650	58016
Wright State University	433	58017
Ohio University	433	58018

Northeastern Ohio Universities College of 433 58019
Medicine

(b) For those medical schools whose current year enrollment, 58020
excluding students repeating terms, is equal to or greater than 58021
the base enrollment, the Medical II FTE enrollment shall equal the 58022
base enrollment plus the FTE for repeating students. 58023

(c) Students repeating terms may be no more than five per 58024
cent of current year enrollment. 58025

(4) The state share of instruction to state-supported 58026
universities for students enrolled in law schools in fiscal year 58027
2008 and fiscal year 2009 shall be calculated by using the number 58028
of subsidy-eligible FTE law school students funded by state 58029
subsidy in fiscal year 1995 or the actual number of 58030
subsidy-eligible FTE law school students at the institution in the 58031
fiscal year, whichever is less. 58032

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 58033

For purposes of calculating state share of instruction 58034
allocations, the total instructional costs per full-time 58035
equivalent student shall be: 58036

Model	Fiscal Year 2008	Fiscal Year 2009	
ARTS AND HUMANITIES 1	\$7,220	\$7,494	58038
ARTS AND HUMANITIES 2	9,431	9,790	58039
ARTS AND HUMANITIES 3	12,186	12,649	58040
ARTS AND HUMANITIES 4	17,836	18,514	58041
ARTS AND HUMANITIES 5	27,829	28,887	58042
ARTS AND HUMANITIES 6	34,540	35,852	58043
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	6,352	6,594	58044
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	7,389	7,670	58045
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	8,911	9,249	58046
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	10,744	11,152	58047

BUSINESS, EDUCATION & SOCIAL SCIENCES 5	17,070	17,719	58048
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	21,908	22,740	58049
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	26,019	27,008	58050
MEDICAL 1	43,190	44,831	58051
MEDICAL 2	47,635	49,445	58052
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	6,552	6,801	58053
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	9,196	9,545	58054
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	11,610	12,051	58055
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	14,789	15,351	58056
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	18,420	19,119	58057
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	19,990	20,750	58058
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	27,676	28,728	58059
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	35,308	36,650	58060
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	48,150	49,979	58061
Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(1) of this section.			58062 58063
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS			58064 58065
For the purpose of implementing the recommendations of the State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this			58066 58067 58068 58069 58070

section shall be weighted by the amounts provided below:			58071
Model	Fiscal	Fiscal	58072
	Year 2008	Year 2009	
ARTS AND HUMANITIES 1	1.000	1.000	58073
ARTS AND HUMANITIES 2	1.000	1.000	58074
ARTS AND HUMANITIES 3	1.000	1.000	58075
ARTS AND HUMANITIES 4	1.000	1.000	58076
ARTS AND HUMANITIES 5	1.250	1.250	58077
ARTS AND HUMANITIES 6	1.250	1.250	58078
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.000	1.000	58079
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.000	1.000	58080
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.000	1.000	58081
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.000	1.000	58082
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.250	1.250	58083
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.250	1.250	58084
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.250	1.250	58085
MEDICAL 1	1.500	1.500	58086
MEDICAL 2	1.728	1.728	58087
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.000	1.000	58088
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.002	1.002	58089
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.613	1.613	58090
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.690	1.690	58091
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.420	1.420	58092
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	2.081	2.081	58093
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.702	1.702	58094
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.808	1.808	58095

MEDICINE 8			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.341	1.341	58096
MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			58097
ENTITLEMENTS AND ADJUSTMENTS			58098
(1) Of the foregoing appropriation item 235-501, State Share			58099
of Instruction, up to 10.44 per cent of the appropriation in each			58100
fiscal year shall be reserved for support of doctoral programs to			58101
implement the recommendations of the Graduate Funding Commission.			58102
The amount so reserved shall be referred to as the doctoral			58103
set-aside.			58104
The doctoral set-aside shall be allocated to universities in			58105
proportion to their share of the total number of Doctoral I			58106
equivalent FTEs as calculated on an institutional basis using the			58107
greater of the two-year or five-year FTEs for the period fiscal			58108
year 1994 through fiscal year 1998 with annualized FTEs for fiscal			58109
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as			58110
adjusted to reflect the effects of doctoral review and subsequent			58111
changes in Doctoral I equivalent enrollments. For the purposes of			58112
this calculation, Doctoral I equivalent FTEs shall equal the sum			58113
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.			58114
If a university participates in the Innovation Incentive			58115
Program outlined in appropriation item 235-433, Economic Growth			58116
Challenge, in each fiscal year the Board of Regents shall withhold			58117
the university's increasing matching share required by the			58118
Innovation Incentive Program from its allocation of the doctoral			58119
set-aside.			58120
The Board of Regents shall use the combined amount of each			58121
participating state-assisted university's set aside of the			58122
doctoral reserve that has been withheld, the state matching funds			58123
earmarked under appropriation item 235-433, Economic Growth			58124
Challenge, and the amount set aside by each accredited Ohio			58125

institution of higher education holding a certificate of 58126
authorization under section 1713.02 of the Revised Code electing 58127
to participate in the Innovation Incentive Program to make awards 58128
through a competitive process under the Innovation Incentive 58129
Program. Only universities electing to set aside the prescribed 58130
amount shall be eligible to compete for and receive Innovation 58131
Incentive awards. The participating universities shall use these 58132
awards to restructure their array of doctoral programs. 58133

(2) Each campus's state share of instruction base formula 58134
earnings shall be determined as follows: 58135

(a) For each campus in each fiscal year, the instructional 58136
costs shall be determined by multiplying the amounts listed above 58137
in divisions (B) and (C) of this section by (i) average 58138
subsidy-eligible FTEs for the two-year period ending in the prior 58139
year for all models except Doctoral I and Doctoral II; and (ii) 58140
average subsidy-eligible FTEs for the five-year period ending in 58141
the prior year for all models except Doctoral I and Doctoral II. 58142

(b) The Board of Regents shall compute the two calculations 58143
listed in division (D)(2)(a) of this section and use the greater 58144
amount as each campus's instructional costs. 58145

(c) The Board of Regents shall compute a uniform state share 58146
of instructional costs by dividing the appropriations for 235-501, 58147
State Share of Instruction, less the doctoral set-aside calculated 58148
in division (D)(1) of this section, by the sum of all campuses' 58149
instructional costs as calculated in division (D)(2)(b) of this 58150
section. 58151

(d) The formula entitlement for each campus shall be 58152
determined by multiplying the uniform state share of costs 58153
calculated in division (D)(2)(c) of this section by the campus's 58154
instructional cost determined in division (D)(2)(b) of this 58155
section. 58156

(3) In addition to the doctoral set-aside allocation 58157
determined in division (D)(1) of this section and the formula 58158
entitlement determined in division (D)(2) of this section, an 58159
allocation based on fiscal year 2007 facility-based plant 58160
operations and maintenance (POM) subsidy shall be made. No campus 58161
shall be eligible for a POM allocation if the campus did not 58162
receive a net-assignable-square-foot-based (NASF) POM allocation 58163
in fiscal year 2007 and the amount of state share of instruction 58164
subsidy the campus would have received in fiscal year 2007 had the 58165
campus's calculation been based on the state share of instruction 58166
method described in this section, but using relevant fiscal year 58167
2007 data, is less than 98.5% of the campus's actual final fiscal 58168
year 2007 state share of instruction earnings. 58169

For each eligible campus, the amount of the POM allocation in 58170
each fiscal year shall be the lesser of: 58171

(a) 98.5% of the campus's actual final fiscal year 2007 state 58172
share of instruction earnings, minus the amount the campus would 58173
have received in fiscal year 2007 had the campus's calculation 58174
been based on the state share of instruction method described in 58175
this section, but using relevant fiscal year 2007 data; or 58176

(b) The actual final fiscal year 2007 58177
net-assignable-square-foot-based (NASF) POM allocation that was 58178
provided to the campus. 58179

Any POM allocations required by this division shall be funded 58180
by proportionately reducing formula entitlement earnings, 58181
including the POM allocations, for all campuses. 58182

The Board of Regents, in consultation with representatives of 58183
state-assisted colleges and universities, shall study the need for 58184
the facility-based POM allocations and make recommendations for 58185
changes by June 30, 2008. 58186

(4) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE 58187

In addition to and after the other adjustment noted above, in 58188
each fiscal year, no campus shall receive a state share of 58189
instruction allocation that is less than 100 per cent of the prior 58190
year's state share of instruction amount. Funds shall be made 58191
available to fund this guarantee provision by recalculating the 58192
uniform state share as described in division (D)(2)(c) of this 58193
section by subtracting guarantee funds and the doctoral set-aside 58194
from the total appropriations for appropriation item 235-501, 58195
State Share of Instruction. 58196

(5) CAPITAL COMPONENT DEDUCTION 58197

After all other adjustments have been made, state share of 58198
instruction earnings shall be reduced for each campus by the 58199
amount, if any, by which debt service charged in Am. H.B. 748 of 58200
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 58201
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 58202
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 58203
General Assembly, and Am. Sub. H.B. 699 of the 126th General 58204
Assembly for that campus exceeds that campus's capital component 58205
earnings. The sum of the amounts deducted shall be transferred to 58206
appropriation item 235-552, Capital Component, in each fiscal 58207
year. 58208

(E) EXCEPTIONAL CIRCUMSTANCES 58209

Adjustments may be made to the state share of instruction 58210
payments and other subsidies distributed by the Board of Regents 58211
to state-assisted colleges and universities for exceptional 58212
circumstances. No adjustments for exceptional circumstances may be 58213
made without the recommendation of the Chancellor and the approval 58214
of the Controlling Board. 58215

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 58216
INSTRUCTION 58217

The standard provisions of the state share of instruction 58218

calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235-501, State Share of Instruction, before the Board of Regents has formally approved the final allocation of the state share of instruction funds for any fiscal year.

Any reductions made to appropriation item 235-501, State Share of Instruction, after the Board of Regents has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year shall be based upon the state share of instruction appropriation estimates made for the various institutions of higher education according to Board of Regents enrollment estimates. Payments during the last six months of the fiscal year shall be distributed after approval of the Controlling Board upon the request of the Board of Regents.

Section 375.30.30. HIGHER EDUCATION - BOARD OF TRUSTEES

Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Board of Regents.

In providing instructional and other services to students, boards of trustees of state-assisted institutions of higher education shall supplement state subsidies by income from charges to students. Each board shall establish the fees to be charged to

all students, including an instructional fee for educational and 58249
associated operational support of the institution and a general 58250
fee for noninstructional services, including locally financed 58251
student services facilities used for the benefit of enrolled 58252
students. The instructional fee and the general fee shall 58253
encompass all charges for services assessed uniformly to all 58254
enrolled students. Each board may also establish special purpose 58255
fees, service charges, and fines as required; such special purpose 58256
fees and service charges shall be for services or benefits 58257
furnished individual students or specific categories of students 58258
and shall not be applied uniformly to all enrolled students. 58259
Except for the board of trustees of Miami University, in 58260
implementing the pilot tuition restructuring plan recognized in 58261
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly 58262
and again recognized by this act, a tuition surcharge shall be 58263
paid by all students who are not residents of Ohio. 58264

The board of trustees of a state-assisted institution of 58265
higher education shall not authorize a waiver or nonpayment of 58266
instructional fees or general fees for any particular student or 58267
any class of students other than waivers specifically authorized 58268
by law or approved by the Chancellor. This prohibition is not 58269
intended to limit the authority of boards of trustees to provide 58270
for payments to students for services rendered the institution, 58271
nor to prohibit the budgeting of income for staff benefits or for 58272
student assistance in the form of payment of such instructional 58273
and general fees. This prohibition is not intended to limit the 58274
authority of the board of trustees of Miami University in 58275
providing financial assistance to students in implementing the 58276
pilot tuition restructuring plan recognized in Section 89.05 of 58277
Am. Sub. H.B. 95 of the 125th General Assembly and again 58278
recognized by this act. 58279

Except for Miami University, in implementing the pilot 58280

tuition restructuring plan recognized in Section 89.05 of Am. Sub. 58281
H.B. 95 of the 125th General Assembly and again recognized by this 58282
act, each state-assisted institution of higher education in its 58283
statement of charges to students shall separately identify the 58284
instructional fee, the general fee, the tuition charge, and the 58285
tuition surcharge. Fee charges to students for instruction shall 58286
not be considered to be a price of service but shall be considered 58287
to be an integral part of the state government financing program 58288
in support of higher educational opportunity for students. 58289

In providing the appropriations in support of instructional 58290
services at state-assisted institutions of higher education and 58291
the appropriations for other instruction it is the intent of the 58292
General Assembly that faculty members shall devote a proper and 58293
judicious part of their work week to the actual instruction of 58294
students. Total class credit hours of production per quarter per 58295
full-time faculty member is expected to meet the standards set 58296
forth in the budget data submitted by the Board of Regents. 58297

The authority of government vested by law in the boards of 58298
trustees of state-assisted institutions of higher education shall 58299
in fact be exercised by those boards. Boards of trustees may 58300
consult extensively with appropriate student and faculty groups. 58301
Administrative decisions about the utilization of available 58302
resources, about organizational structure, about disciplinary 58303
procedure, about the operation and staffing of all auxiliary 58304
facilities, and about administrative personnel shall be the 58305
exclusive prerogative of boards of trustees. Any delegation of 58306
authority by a board of trustees in other areas of responsibility 58307
shall be accompanied by appropriate standards of guidance 58308
concerning expected objectives in the exercise of such delegated 58309
authority and shall be accompanied by periodic review of the 58310
exercise of this delegated authority to the end that the public 58311
interest, in contrast to any institutional or special interest, 58312

shall be served. 58313

Section 375.30.40. STUDENT SUPPORT SERVICES 58314

The foregoing appropriation item 235-502, Student Support 58315
Services, shall be distributed by the Board of Regents to Ohio's 58316
state-assisted colleges and universities that incur 58317
disproportionate costs in the provision of support services to 58318
disabled students. 58319

Section 375.30.50. OHIO INSTRUCTIONAL GRANTS 58320

In each fiscal year, instructional grants for all eligible 58321
full-time students who have attended a college, university, or 58322
proprietary school and have completed coursework for college 58323
credit, excluding early college high school and post-secondary 58324
enrollment option students, prior to academic year 2006-2007, 58325
shall be made using the tables under section 3333.12 of the 58326
Revised Code. 58327

Of the foregoing appropriation item 235-503, Ohio 58328
Instructional Grants, an amount in each fiscal year shall be used 58329
to make the payments authorized by division (C) of section 3333.26 58330
of the Revised Code to the institutions described in that 58331
division. In addition, an amount in each fiscal year shall be used 58332
to reimburse the institutions described in division (B) of section 58333
3333.26 of the Revised Code for the cost of the waivers required 58334
by that division. 58335

The unencumbered balance of appropriation item 235-503, Ohio 58336
Instructional Grants, at the end of fiscal year 2008 shall be 58337
transferred to fiscal year 2009 for use under the same 58338
appropriation item. The amounts transferred are hereby 58339
appropriated. 58340

Section 375.30.60. WAR ORPHANS SCHOLARSHIPS 58341

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 375.30.70. OHIOLINK

The foregoing appropriation item 235-507, OhioLINK, shall be used by the Board of Regents to support OhioLINK, the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources and the library holdings of all of Ohio's public colleges and universities, 44 private colleges, and the State Library of Ohio.

Section 375.30.80. AIR FORCE INSTITUTE OF TECHNOLOGY

The foregoing appropriation item 235-508, Air Force Institute of Technology, shall be used to strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio. Of the foregoing appropriation item 235-508, Air Force Institute of Technology, \$1,233,588 in each fiscal year shall be used for research projects that connect the Air Force Research Laboratories with university partners. The institute shall provide annual reports to the Third Frontier Commission, that discuss existing, planned, or possible collaborations between programs and funding recipients related to technology, research development, commercialization, and support for Ohio's economic development.

Of the foregoing appropriation item 235-508, Air Force 58372
Institute of Technology, \$691,757 in each fiscal year shall be 58373
used to match federal dollars to support technology 58374
commercialization and job creation. The Development Research 58375
Corporation shall use the funds to create or expand Ohio-based 58376
technology and commercial development collaborations in areas that 58377
are a priority in Ohio's third frontier initiative between 58378
industry, academia, and government. 58379

Section 375.30.90. OHIO SUPERCOMPUTER CENTER 58380

The foregoing appropriation item 235-510, Ohio Supercomputer 58381
Center, shall be used by the Board of Regents to support the 58382
operation of the Ohio Super Computer Center, located at The Ohio 58383
State University, as a statewide resource available to Ohio 58384
research universities both public and private. It is also intended 58385
that the center be made accessible to private industry as 58386
appropriate. Policies of the center shall be established by a 58387
governance committee, representative of Ohio's research 58388
universities and private industry, to be appointed by the 58389
Chancellor of the Board of Regents and established for this 58390
purpose. 58391

Funds shall be used, in part, to support the Ohio 58392
Supercomputer Center's Computational Science Initiative which 58393
includes its industrial outreach program, Blue Collar Computing, 58394
and its School of Computational Science. These collaborations 58395
between the Ohio Supercomputer Center and Ohio's colleges and 58396
universities shall be aimed at making Ohio a leader in using 58397
computer modeling to promote economic development. 58398

Of the foregoing appropriation item 235-510, Ohio 58399
Supercomputer Center, \$250,000 in each fiscal year shall be used 58400
to support the Super Computer Center's activities in Beavercreek. 58401

Section 375.40.10. COOPERATIVE EXTENSION SERVICE 58402

The foregoing appropriation item 235-511, Cooperative 58403
Extension Service, shall be disbursed through the Board of Regents 58404
to The Ohio State University in monthly payments, unless otherwise 58405
determined by the Director of Budget and Management under section 58406
126.09 of the Revised Code. 58407

Of the foregoing appropriation item 235-511, Cooperative 58408
Extension Service, \$178,271 in each fiscal year shall be used for 58409
additional staffing for county agents for expanded 4-H activities. 58410
Of the foregoing appropriation item 235-511, Cooperative Extension 58411
Service, \$178,271 in each fiscal year shall be used by the 58412
Cooperative Extension Service, through the Enterprise Center for 58413
Economic Development in cooperation with other agencies, for a 58414
public-private effort to create and operate a small business 58415
economic development program to enhance the development of 58416
alternatives to the growing of tobacco, and implement, through 58417
applied research and demonstration, the production and marketing 58418
of other high-value crops and value-added products. Of the 58419
foregoing appropriation item 235-511, Cooperative Extension 58420
Service, \$55,179 in each fiscal year shall be used for farm labor 58421
mediation and education programs, \$182,515 in each fiscal year 58422
shall be used to support the Ohio State University Marion 58423
Enterprise Center, and \$772,931 in each fiscal year shall be used 58424
to support the Ohio Watersheds Initiative. 58425

Section 375.40.20. OHIO UNIVERSITY VOINOVICH CENTER 58426

The foregoing appropriation item 235-513, Ohio University 58427
Voinovich Center, shall be used by the Board of Regents to support 58428
the operations of Ohio University's Voinovich Center. 58429

Section 375.40.30. PERFORMANCE STANDARDS FOR MEDICAL 58430
EDUCATION 58431

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 375.40.40. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE

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.

Section 375.40.50. CAPITOL SCHOLARSHIP PROGRAM

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 2008 and 2009. The Washington Center shall provide a minimum of \$1,300 per student in matching scholarships.

Section 375.40.60. FAMILY PRACTICE 58465

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.

Section 375.40.70. SHAWNEE STATE SUPPLEMENT 58469

The foregoing appropriation item 235-520, Shawnee State Supplement, shall be used by Shawnee State University as detailed by both of the following:

(A) To allow Shawnee State University to keep its undergraduate fees below the statewide average, consistent with its mission of service to an economically depressed Appalachian region;

(B) To allow Shawnee State University to employ new faculty to develop and teach in new degree programs that meet the needs of Appalachians.

Section 375.40.80. OSU GLENN INSTITUTE 58480

The foregoing appropriation item 235-521, The Ohio State University Glenn Institute, shall be used by the Board of Regents to support the operations of the Ohio State University's Glenn Institute.

Section 375.40.90. POLICE AND FIRE PROTECTION 58485

The foregoing appropriation item 235-524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green,

Portsmouth, Xenia Township (Greene County), Rootstown Township, 58489
and the City of Nelsonville that may be used to assist these local 58490
governments in providing police and fire protection for the 58491
central campus of the state-affiliated university located therein. 58492
Each participating municipality and township shall receive at 58493
least \$5,000 in each fiscal year. Funds shall be distributed 58494
according to the method employed by the Board of Regents in the 58495
previous biennium. 58496

Section 375.50.10. GERIATRIC MEDICINE 58497

The Board of Regents shall develop plans consistent with 58498
existing criteria and guidelines as may be required for the 58499
distribution of appropriation item 235-525, Geriatric Medicine. 58500

Section 375.50.20. PRIMARY CARE RESIDENCIES 58501

The Board of Regents shall develop plans consistent with 58502
existing criteria and guidelines as may be required for the 58503
distribution of appropriation item 235-526, Primary Care 58504
Residencies. 58505

The foregoing appropriation item 235-526, Primary Care 58506
Residencies, shall be distributed in each fiscal year of the 58507
biennium, based on whether or not the institution has submitted 58508
and gained approval for a plan. If the institution does not have 58509
an approved plan, it shall receive five per cent less funding per 58510
student than it would have received from its annual allocation. 58511
The remaining funding shall be distributed among those 58512
institutions that meet or exceed their targets. 58513

Section 375.50.30. OHIO AEROSPACE INSTITUTE 58514

The foregoing appropriation item 235-527, Ohio Aerospace 58515
Institute, shall be distributed by the Board of Regents under 58516
section 3333.042 of the Revised Code. 58517

The Board of Regents, in consultation with the Third Frontier Commission, shall develop a plan for providing for appropriate, value-added participation of the Ohio Aerospace Institute in Third Frontier Project proposals and grants.

Section 375.50.40. ACADEMIC SCHOLARSHIPS

The foregoing appropriation item 235-530, Academic Scholarships, shall be used to provide academic scholarships to students under section 3333.22 of the Revised Code.

Section 375.50.50. STUDENT CHOICE GRANTS

The foregoing appropriation item 235-531, Student Choice Grants, shall be used to support supplemental need-based grants under section 3333.27 of the Revised Code.

Section 375.50.60. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER

The foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, 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. 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, 2009, 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 58547
performance. Academic units, faculty, and faculty-driven programs 58548
shall be evaluated and rewarded consistent with agreed-upon 58549
performance expectations as called for in the College's 58550
Expectations and Criteria for Performance Assessment. 58551

Of the foregoing appropriation item 235-535, Ohio 58552
Agricultural Research and Development Center, \$467,578 in each 58553
fiscal year shall be used to purchase equipment. 58554

Of the foregoing appropriation item 235-535, Ohio 58555
Agricultural Research and Development Center, \$822,592 in each 58556
fiscal year shall be distributed to the Piketon Agricultural 58557
Research and Extension Center. 58558

Of the foregoing appropriation item 235-535, Ohio 58559
Agricultural Research and Development Center, \$216,471 in each 58560
fiscal year shall be distributed to the 58561
Raspberry/Strawberry-Ellagic Acid Research program at The Ohio 58562
State University Medical College in cooperation with The Ohio 58563
State University College of Agriculture. 58564

Of the foregoing appropriation item 235-535, Ohio 58565
Agricultural Research and Development Center, \$43,294 in each 58566
fiscal year shall be used to support the Ohio Berry Administrator. 58567

Of the foregoing appropriation item 235-535, Ohio 58568
Agricultural Research and Development Center, \$86,588 in each 58569
fiscal year shall be used for the development of agricultural 58570
crops and products not currently in widespread production in Ohio, 58571
in order to increase the income and viability of family farmers. 58572

Of the foregoing appropriation item 235-535, Ohio 58573
Agricultural Research and Development Center, \$127,500 in each 58574
fiscal year shall be distributed to Wilmington College for the 58575
commercialization of agricultural products. 58576

Section 375.50.70. STATE UNIVERSITY CLINICAL TEACHING 58577

The foregoing appropriation items 235-536, The Ohio State 58578
University Clinical Teaching; 235-537, University of Cincinnati 58579
Clinical Teaching; 235-538, University of Toledo Clinical 58580
Teaching; 235-539, Wright State University Clinical Teaching; 58581
235-540, Ohio University Clinical Teaching; and 235-541, 58582
Northeastern Ohio Universities College of Medicine Clinical 58583
Teaching, shall be distributed through the Board of Regents. 58584

Of the foregoing appropriation item 235-539, Wright State 58585
University Clinical Teaching, \$124,644 in each fiscal year of the 58586
biennium shall be for the use of Wright State University's Ellis 58587
Institute for Clinical Teaching Studies to operate the clinical 58588
facility to serve the Greater Dayton area. 58589

Section 375.50.80. SCHOOL OF INTERNATIONAL BUSINESS 58590

Of the foregoing appropriation item 235-547, School of 58591
International Business, \$250,000 in each fiscal year shall be used 58592
for the continued development and support of the School of 58593
International Business of the state universities of northeast 58594
Ohio. The money shall go to The University of Akron. These funds 58595
shall be used by the university to establish a School of 58596
International Business located at The University of Akron. It may 58597
confer with Kent State University, Youngstown State University, 58598
and Cleveland State University as to the curriculum and other 58599
matters regarding the school. 58600

Of the foregoing appropriation item 235-547, School of 58601
International Business, \$100,000 in each fiscal year shall be used 58602
by the University of Toledo College of Business for expansion of 58603
its international business programs. 58604

Of the foregoing appropriation item 235-547, School of 58605
International Business, \$100,000 in each fiscal year shall be used 58606

to support the Ohio State University BioMEMS program. 58607

Section 375.50.90. CAPITAL COMPONENT 58608

The foregoing appropriation item 235-552, Capital Component, 58609
shall be used by the Board of Regents to implement the capital 58610
funding policy for state-assisted colleges and universities 58611
established in Am. H.B. 748 of the 121st General Assembly. 58612
Appropriations from this item shall be distributed to all campuses 58613
for which the estimated campus debt service attributable to new 58614
qualifying capital projects is less than the campus's 58615
formula-determined capital component allocation. Campus 58616
allocations shall be determined by subtracting the estimated 58617
campus debt service attributable to new qualifying capital 58618
projects from the campus's formula-determined capital component 58619
allocation. Moneys distributed from this appropriation item shall 58620
be restricted to capital-related purposes. 58621

Any campus for which the estimated campus debt service 58622
attributable to qualifying capital projects is greater than the 58623
campus's formula-determined capital component allocation shall 58624
have the difference subtracted from its State Share of Instruction 58625
allocation in each fiscal year. The sum of all such amounts shall 58626
be transferred from appropriation item 235-501, State Share of 58627
Instruction, to appropriation item 235-552, Capital Component. 58628

Section 375.60.10. DAYTON AREA GRADUATE STUDIES INSTITUTE 58629

The foregoing appropriation item 235-553, Dayton Area 58630
Graduate Studies Institute, shall be used by the Board of Regents 58631
to support the Dayton Area Graduate Studies Institute, an 58632
engineering graduate consortium of three universities in the 58633
Dayton area: Wright State University, the University of Dayton, 58634
and the Air Force Institute of Technology, with the participation 58635
of the University of Cincinnati and The Ohio State University. 58636

Of the foregoing appropriation item 235-553, Dayton Area Graduate Studies Institute, \$350,000 in each fiscal year shall be used by the Development Research Corporation to support collaborative research and technology commercialization initiatives in Ohio.

Section 375.60.20. PRIORITIES IN COLLABORATIVE GRADUATE EDUCATION

The foregoing appropriation item 235-554, Priorities in Collaborative Graduate Education, shall be used by the Board of Regents to support improvements in the Ph.D. computer science programs at state-assisted universities that the Board of Regents identifies as vital to the state's economic strategy. Each fiscal year, participating institutions shall collectively submit for Board of Regents approval a plan describing how they will work collaboratively to improve the quality of their graduate programs and how the funds are to be used for this purpose. The collaborative effort shall be coordinated by the Ohio Supercomputer Center as part of its School of Computational Science.

Section 375.60.30. LIBRARY DEPOSITORIES

The foregoing appropriation item, 235-555, Library Depositories, shall be distributed to the state's five regional depository libraries for the cost-effective storage of and access to lesser-used materials in university library collections. The distribution of funds shall be coordinated by the Board of Regents.

Section 375.60.40. OHIO ACADEMIC RESOURCES NETWORK (OARNET)

The foregoing appropriation item 235-556, Ohio Academic Resources Network, shall be used to support the operations of the

Ohio Academic Resources Network, which shall include support for 58666
Ohio's state-assisted colleges and universities in maintaining and 58667
enhancing network connections and in using new network 58668
technologies to improve research, education, and economic 58669
development programs. The network shall give priority to 58670
supporting the Third Frontier Network and allocating bandwidth to 58671
programs directly supporting Ohio's economic development. 58672

Section 375.60.50. LONG-TERM CARE RESEARCH 58673

The foregoing appropriation item 235-558, Long-term Care 58674
Research, shall be disbursed to Miami University for long-term 58675
care research. 58676

**Section 375.60.60. BOWLING GREEN STATE UNIVERSITY CANADIAN 58677
STUDIES CENTER** 58678

The foregoing appropriation item 235-561, Bowling Green State 58679
University Canadian Studies Center, shall be used by the Canadian 58680
Studies Center at Bowling Green State University to study 58681
opportunities for Ohio and Ohio businesses to benefit from the 58682
Free Trade Agreement between the United States and Canada. 58683

Section 375.60.70. OHIO COLLEGE OPPORTUNITY GRANT PHASE-IN 58684

The foregoing appropriation item 235-563, Ohio College 58685
Opportunity Grant, shall be used by the Board of Regents to begin 58686
to award needs-based financial aid to students based on the United 58687
States Department of Education's method of determining financial 58688
need. Students who enrolled in a public, private, or proprietary 58689
post-secondary institution of higher education for the first time 58690
in academic year 2006-2007, excluding early college high school 58691
and post-secondary enrollment option participants, shall be 58692
eligible to receive aid based on their expected family 58693
contributions as calculated by the United States Department of 58694

Education, according to section 3333.122 of the Revised Code. 58695

Eligible expenditures from the foregoing appropriation item 58696
235-563, Ohio College Opportunity Grant, shall be claimed each 58697
fiscal year to help meet the state's TANF maintenance of effort 58698
requirement. The Chancellor of the Board of Regents and the 58699
Director of Job and Family Services shall enter into an 58700
interagency agreement to carry out this paragraph, which shall 58701
include, but not be limited to, developing reporting guidelines 58702
for these expenditures. 58703

Section 375.60.80. CENTRAL STATE UNIVERSITY SPEED TO SCALE 58704

The foregoing appropriation 235-567, Central State University 58705
Speed to Scale, shall be used to achieve the goals of the Speed to 58706
Scale Plan, which include increasing student enrollment through 58707
freshman recruitment and transferred students, increasing the 58708
proportion of in-state students to 80 per cent of the total 58709
student population, and increasing the student retention rates 58710
between the first and second year of college. The goals shall be 58711
accomplished by targeting student retention, improved articulation 58712
agreements with two-year campuses, and strategic partnerships with 58713
research institutions to improve the quality of Central State 58714
University's offering of science, technology, engineering, 58715
mathematics, and medical instruction. 58716

This is hereby created the Speed to Scale Task Force that 58717
shall meet not less than quarterly to discuss progress of the 58718
plan, including performance on accountability metrics, issues 58719
experienced in planned efforts, and to monitor and support the 58720
creation of partnerships with other state institutions of higher 58721
education. The Task Force shall consist of the president of 58722
Central State University or the president's designee, the 58723
president of Sinclair Community College or the president's 58724
designee, the president of Cincinnati State Technical and 58725

Community College or the president's designee, the president of 58726
Cuyahoga Community College or the president's designee, The Ohio 58727
State University or the president's designee, the president of the 58728
University of Cincinnati or the president's designee, one 58729
representative from the Board of Regents, one member of the House 58730
of Representatives appointed by the Speaker of the House of 58731
Representatives, one member of the Senate appointed by the 58732
President of the Senate, the Director of Budget and Management or 58733
the director's designee, and a representative of the Governor's 58734
Office as appointed by the Governor. 58735

On the thirtieth day of June of each fiscal year, Central 58736
State University and the Speed to Scale Task Force shall jointly 58737
submit to the Governor, the Director of Budget and Management, the 58738
Speaker of the House of Representatives, the President of the 58739
Senate, and the Board of Regents a report describing the status of 58740
their progress on the accountability metrics included in the Speed 58741
to Scale plan. 58742

Section 375.60.90. HIGHER EDUCATION COMPACT 58743

The Board of Regents shall establish a Higher Education 58744
Compact for the purpose of increasing cooperation between the 58745
state and state-supported institutions of higher education, 58746
increasing efficiencies through collaboration in higher education, 58747
and making higher education more affordable at state-supported 58748
institutions of higher education. Participation in the compact 58749
shall require that state-supported institutions of higher 58750
education demonstrate one per cent savings through identified 58751
internal efficiencies in fiscal year 2008 and three per cent 58752
savings through identified internal efficiencies in fiscal year 58753
2009, as certified by the Chancellor of the Board of Regents. 58754
Participation in the compact shall also require that the boards of 58755
trustees of state-supported institutions of higher education 58756

restrain in-state undergraduate instructional and general fee 58757
increases. For the 2007-2008 academic year, a compact 58758
participating institution shall not increase its in-state 58759
undergraduate instructional and general fees over the amount 58760
charged in the 2006-2007 academic year. For the 2008-2009 academic 58761
year, a compact participating institution shall not increase its 58762
in-state undergraduate instructional and general fees by more than 58763
three per cent over the amount charged in the 2007-2008 academic 58764
year. 58765

These limitations shall not apply to increases required to 58766
comply with institutional covenants related to their obligations 58767
or to meet unfunded legal mandates or legally binding obligations 58768
incurred or commitments made prior to the effective date of this 58769
section with respect to which the institution had identified such 58770
fee increases as the source of funds. Any increase required by 58771
such covenants and any such mandates, obligations, or commitments 58772
shall be reported by the Board of Regents to the Controlling 58773
Board. These limitations may also be modified by the Board of 58774
Regents, with the approval of the Controlling Board, to respond to 58775
exceptional circumstances as identified by the Board of Regents. 58776

In consultation with state-supported institutions of higher 58777
education, the Chancellor of the Board of Regents shall establish 58778
a plan for the compact, review and certify the participation of 58779
state-supported institutions of higher education in the compact, 58780
distribute funds to state-supported institutions of higher 58781
education, and report on the compact to the Governor, the Speaker 58782
of the House of Representatives, the President of the Senate, and 58783
the minority leaders of the House of Representatives and the 58784
Senate. 58785

The foregoing appropriation item 235-568, Higher Education 58786
Compact, shall be distributed to state-supported institutions of 58787
higher education based upon each institution's proportional share 58788

of the state share of instruction funding provided under 58789
appropriation item 200-501, State Share of Instruction, and their 58790
adherence to the criteria set forth in the compact, as verified by 58791
the Chancellor of the Board of Regents. Any excess appropriations 58792
resulting from institutions not participating in the compact to 58793
the extent necessary to earn full amounts of their eligible 58794
allocations may be reallocated and disbursed by the Chancellor of 58795
the Board of Regents to institutions participating in the compact 58796
and achieving higher savings through internal efficiencies than 58797
required by the compact, as certified by the Chancellor of the 58798
Board of Regents. The Chancellor of the Board of Regents may set 58799
efficiency goals and adjust monthly payments in accordance with 58800
the adherence of each participating institution to the compact. 58801

Section 375.70.10. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 58802

The foregoing appropriation item 235-572, The Ohio State 58803
University Clinic Support, shall be distributed through the Board 58804
of Regents to The Ohio State University for support of dental and 58805
veterinary medicine clinics. 58806

Section 375.70.20. URBAN UNIVERSITY PROGRAM 58807

Universities receiving funds from the foregoing appropriation 58808
item 235-583, Urban University Program, that are used to support 58809
an ongoing university unit shall certify periodically in a manner 58810
approved by the Board of Regents that program funds are being 58811
matched on a one-to-one basis with equivalent resources. Overhead 58812
support may not be used to meet this requirement. Where Urban 58813
University Program funds are being used to support an ongoing 58814
university unit, matching funds shall come from continuing rather 58815
than one-time sources. At each participating state-assisted 58816
institution of higher education, matching funds shall be within 58817
the substantial control of the individual designated by the 58818

institution's president as the Urban University Program 58819
representative. 58820

Of the foregoing appropriation item 235-583, Urban University 58821
Program, \$117,215 in each fiscal year shall be used to support the 58822
Center for the Interdisciplinary Study of Education and the Urban 58823
Child at Cleveland State University. These funds shall be 58824
distributed according to rules adopted by the Board of Regents and 58825
shall be used by the center for interdisciplinary activities 58826
targeted toward increasing the chance of lifetime success of the 58827
urban child, including interventions beginning with the prenatal 58828
period. The primary purpose of the center is to study issues in 58829
urban education and to systematically map directions for new 58830
approaches and new solutions by bringing together a cadre of 58831
researchers, scholars, and professionals representing the social, 58832
behavioral, education, and health disciplines. 58833

Of the foregoing appropriation item 235-583, Urban University 58834
Program, \$1,433,037 in each fiscal year shall be distributed by 58835
the Board of Regents to Cleveland State University in support of 58836
the Maxine Goodman Levin College of Urban Affairs. 58837

Of the foregoing appropriation item 235-583, Urban University 58838
Program, \$1,433,037 in each fiscal year shall be distributed to 58839
the Northeast Ohio Research Consortium, the Urban Linkages 58840
Program, and the Urban Research Technical Assistance Grant 58841
Program. The distribution among the three programs shall be 58842
determined by the chair of the Urban University Program. 58843

Of the foregoing appropriation item 235-583, Urban University 58844
Program, \$247,453 in each fiscal year shall be used to support a 58845
public communication outreach program (WCPN). The primary purpose 58846
of the program shall be to develop a relationship between 58847
Cleveland State University and nonprofit communications entities. 58848

Of the foregoing appropriation item 235-583, Urban University 58849

Program, \$169,310 in each fiscal year shall be used to support the 58850
Kent State University Learning and Technology Project. This 58851
project is a kindergarten through university collaboration between 58852
schools surrounding Kent State University's eight campuses in 58853
northeast Ohio and corporate partners who will assist in 58854
development and delivery. 58855

The Kent State University Project shall provide a faculty 58856
member who has a full-time role in the development of 58857
collaborative activities and teacher instructional programming 58858
between Kent State University and the K-12th grade schools that 58859
surround its eight campuses; appropriate student support staff to 58860
facilitate these programs and joint activities; and hardware and 58861
software to schools that will make possible the delivery of 58862
instruction to pre-service and in-service teachers, and their 58863
students, in their own classrooms or school buildings. This shall 58864
involve the delivery of low-bandwidth streaming video and 58865
web-based technologies in a distributed instructional model. 58866

Of the foregoing appropriation item 235-583, Urban University 58867
Program, \$65,119 in each fiscal year shall be used to support the 58868
Ameritech Classroom/Center for Research at Kent State University. 58869

Of the foregoing appropriation item 235-583, Urban University 58870
Program, \$723,547 in each fiscal year shall be used to support the 58871
Polymer Distance Learning Project at the University of Akron. 58872

Of the foregoing appropriation item 235-583, Urban University 58873
Program, \$32,560 in each fiscal year shall be distributed to the 58874
Kent State University/Cleveland Design Center program. 58875

Of the foregoing appropriation item 235-583, Urban University 58876
Program, \$513,886 in each fiscal year shall be used to support the 58877
Bliss Institute of Applied Politics at the University of Akron. 58878

Of the foregoing appropriation item 235-583, Urban University 58879
Program, \$10,851 in each fiscal year shall be used for the 58880

Advancing-Up Program at the University of Akron.	58881
Of the foregoing appropriation item 235-583, Urban University	58882
Program, \$139,777 in each fiscal year shall be used to support the	58883
Strategic Economic Research Collaborative at the University of	58884
Toledo Urban Affairs Center.	58885
Of the foregoing appropriation item 235-583, Urban University	58886
Program, \$139,777 in each fiscal year shall be used to support the	58887
Institute for Collaborative Research and Public Humanities at The	58888
Ohio State University.	58889
Of the foregoing appropriation item 235-583, Urban University	58890
Program, \$300,368 in each fiscal year shall be used to support the	58891
Medina County University Center.	58892
Of the foregoing appropriation item 235-583, Urban University	58893
Program, \$150,000 in each fiscal year shall be used to support the	58894
Ohio State University African American Studies program.	58895
Of the foregoing appropriation item 235-583, Urban University	58896
Program, \$75,000 in each fiscal year shall be used to support	58897
education and technical training at the P.E. Henderson Sr. Center.	58898
Section 375.70.30. RURAL UNIVERSITY PROJECTS	58899
Of the foregoing appropriation item 235-587, Rural University	58900
Projects, Bowling Green State University shall receive \$263,783 in	58901
each fiscal year, Miami University shall receive \$245,320 in each	58902
fiscal year, and Ohio University shall receive \$575,015 in each	58903
fiscal year. These funds shall be used to support the Institute	58904
for Local Government Administration and Rural Development at Ohio	58905
University, the Center for Public Management and Regional Affairs	58906
at Miami University, and the Center for Regional Development at	58907
Bowling Green State University.	58908
A small portion of the funds provided to Ohio University	58909
shall also be used for the Institute for Local Government	58910

Administration and Rural Development State and Rural Policy 58911
Partnership with the Governor's Office of Appalachia and the 58912
Appalachian delegation of the General Assembly. 58913

Of the foregoing appropriation item 235-587, Rural University 58914
Projects, \$15,942 in each fiscal year shall be used to support the 58915
Washington State Community College day care center. 58916

Of the foregoing appropriation item 235-587, Rural University 58917
Projects, \$47,829 in each fiscal year shall be used to support the 58918
COAD/ILGARD/GOA Appalachian Leadership Initiative. 58919

Section 375.70.40. HAZARDOUS MATERIALS PROGRAM 58920

The foregoing appropriation item 235-596, Hazardous Materials 58921
Program, shall be disbursed to Cleveland State University for the 58922
operation of a program to certify firefighters for the handling of 58923
hazardous materials. Training shall be available to all Ohio 58924
firefighters. 58925

Of the foregoing appropriation item 235-596, Hazardous 58926
Materials Program, \$177,337 in each fiscal year shall be used to 58927
support the Center for the Interdisciplinary Study of Education 58928
and Leadership in Public Service at Cleveland State University. 58929
These funds shall be distributed by the Board of Regents and shall 58930
be used by the center targeted toward increasing the role of 58931
special populations in public service and not-for-profit 58932
organizations. The primary purpose of the center is to study 58933
issues in public service and to guide strategies for attracting 58934
new communities into public service occupations by bringing 58935
together a cadre of researchers, scholars, and professionals 58936
representing the public administration, social behavioral, and 58937
education disciplines. 58938

Section 375.70.50. NATIONAL GUARD SCHOLARSHIP PROGRAM 58939

The Board of Regents shall disburse funds from appropriation 58940

item 235-599, National Guard Scholarship Program, at the direction 58941
of the Adjutant General. During each fiscal year, the Board of 58942
Regents, within ten days of cancellation, may certify to the 58943
Director of Budget and Management the amount of canceled 58944
prior-year encumbrances in appropriation item 235-599, National 58945
Guard Scholarship Program. Upon receipt of the certification, the 58946
Director of Budget and Management may transfer an amount up to the 58947
certified amount from the General Revenue Fund to the National 58948
Guard Scholarship Reserve Fund (Fund 5BM). Upon the request of the 58949
Adjutant General, the Board of Regents shall seek Controlling 58950
Board approval to establish appropriations in item 235-623, 58951
National Guard Scholarship Reserve Fund. The Board of Regents 58952
shall disburse funds from appropriation item 235-623, National 58953
Guard Scholarship Reserve Fund, at the direction of the Adjutant 58954
General. 58955

***Section 375.70.60. PLEDGE OF FEES** 58956

Any new pledge of fees, or new agreement for adjustment of 58957
fees, made in the biennium ending June 30, 2009, to secure bonds 58958
or notes of a state-assisted institution of higher education for a 58959
project for which bonds or notes were not outstanding on the 58960
effective date of this section shall be effective only after 58961
approval by the Board of Regents, unless approved in a previous 58962
biennium. 58963

**Section 375.70.70. HIGHER EDUCATION GENERAL OBLIGATION DEBT 58964
SERVICE** 58965

The foregoing appropriation item 235-909, Higher Education 58966
General Obligation Debt Service, shall be used to pay all debt 58967
service and related financing costs at the times they are required 58968
to be made for obligations issued during the period from July 1, 58969
2007, to June 30, 2009, under sections 151.01 and 151.04 of the 58970

Revised Code. 58971

Section 375.70.80. SALES AND SERVICES 58972

The Board of Regents is authorized to charge and accept 58973
payment for the provision of goods and services. Such charges 58974
shall be reasonably related to the cost of producing the goods and 58975
services. No charges may be levied for goods or services that are 58976
produced as part of the routine responsibilities or duties of the 58977
Board. All revenues received by the Board of Regents shall be 58978
deposited into Fund 456, and may be used by the Board of Regents 58979
to pay for the costs of producing the goods and services. 58980

Section 375.70.90. OHIO HIGHER EDUCATIONAL FACILITY 58981
COMMISSION SUPPORT 58982

The foregoing appropriation item 235-602, Higher Educational 58983
Facility Commission Administration, shall be used by the Board of 58984
Regents for operating expenses related to the Board of Regents' 58985
support of the activities of the Ohio Higher Educational Facility 58986
Commission. Upon the request of the chancellor, the Director of 58987
Budget and Management shall transfer up to \$50,000 cash in fiscal 58988
year 2008 and up to \$45,000 cash in fiscal year 2009 from Fund 461 58989
to Fund 4E8. 58990

Section 375.80.10. PHYSICIAN LOAN REPAYMENT 58991

The foregoing appropriation item 235-604, Physician Loan 58992
Repayment, shall be used in accordance with sections 3702.71 to 58993
3702.81 of the Revised Code. 58994

Section 375.80.20. NURSING LOAN PROGRAM 58995

The foregoing appropriation item 235-606, Nursing Loan 58996
Program, shall be used to administer the nurse education 58997
assistance program. Up to \$159,600 in fiscal year 2008 and 58998

\$167,580 in fiscal year 2009 may be used for operating expenses 58999
associated with the program. Any additional funds needed for the 59000
administration of the program are subject to Controlling Board 59001
approval. 59002

Section 375.80.30. REPAYMENT OF RESEARCH FACILITY INVESTMENT 59003
FUND MONEYS 59004

Notwithstanding any provision of law to the contrary, all 59005
repayments of Research Facility Investment Fund loans shall be 59006
made to the Bond Service Trust Fund. All Research Facility 59007
Investment Fund loan repayments made prior to the effective date 59008
of this section shall be transferred by the Director of Budget and 59009
Management to the Bond Service Trust Fund within sixty days after 59010
the effective date of this section. 59011

Campuses shall make timely repayments of Research Facility 59012
Investment Fund loans, according to the schedule established by 59013
the Board of Regents. In the case of late payments, the Board of 59014
Regents may deduct from an institution's periodic subsidy 59015
distribution an amount equal to the amount of the overdue payment 59016
for that institution, transfer such amount to the Bond Service 59017
Trust Fund, and credit the appropriate institution for the 59018
repayment. 59019

Section 375.80.40. VETERANS' PREFERENCES 59020

The Board of Regents shall work with the Governor's Office of 59021
Veterans' Affairs to develop specific veterans' preference 59022
guidelines for higher education institutions. These guidelines 59023
shall ensure that the institutions' hiring practices are in 59024
accordance with the intent of Ohio's veterans' preference laws. 59025

Section 375.80.50. STATE NEED-BASED FINANCIAL AID 59026
RECONCILIATION 59027

By the first day of August in each fiscal year, or as soon 59028
thereafter as possible, the Ohio Board of Regents shall certify to 59029
the Director of Budget and Management the amount necessary to pay 59030
any outstanding prior year obligations to higher education 59031
institutions for the state's need-based financial aid programs. 59032
The amounts certified are hereby appropriated to appropriation 59033
item 235-618, State Need-based Financial Aid Reconciliation, from 59034
revenues received in the State Need-based Financial Aid 59035
Reconciliation Fund (Fund 5Y5). 59036

Section 375.80.60. TRANSFERS TO STATE NEED-BASED FINANCIAL 59037
AID PROGRAMS 59038

In each fiscal year of the biennium, if the Chancellor of the 59039
Board of Regents determines that additional funds are needed to 59040
support the distribution of state need-based financial aid in 59041
accordance with sections 3333.12 and 3333.122 of the Revised Code, 59042
the Chancellor shall recommend the reallocation of unencumbered 59043
and unobligated appropriation balances of General Revenue Fund 59044
appropriation items in the Board of Regents to GRF appropriation 59045
items 235-503, Ohio Instructional Grants, and 235-563, Ohio 59046
College Opportunity Grant. If the Director of Budget and 59047
Management determines that such a reallocation is required, the 59048
Director may transfer those identified unencumbered and 59049
unobligated funds in the Board of Regents as necessary to GRF 59050
appropriation items 235-503, Ohio Instructional Grants, and 59051
235-563, Ohio College Opportunity Grant. The amounts transferred 59052
to appropriation items 235-503, Ohio Instructional Grants, and 59053
235-563, Ohio College Opportunity Grant, are hereby appropriated. 59054
If those unencumbered and unobligated funds are not sufficient to 59055
support the distribution of state need-based financial aid in 59056
accordance with sections 3333.12 and 3333.122 of the Revised Code 59057
in each fiscal year, the Director of Budget and Management may 59058
increase the appropriation from the General Revenue Fund of 59059

appropriation items 235-503, Ohio Instructional Grants, and 59060
 235-563, Ohio College Opportunity Grant, in each fiscal year. The 59061
 combined increase to appropriation items 235-503, Ohio 59062
 Instructional Grants, and 235-563, Ohio College Opportunity Grant, 59063
 authorized under this section shall not exceed \$5,000,000 in total 59064
 for the purpose of need-based financial aid in each fiscal year of 59065
 the biennium. 59066

Section 377.10. DRC DEPARTMENT OF REHABILITATION AND				59067
CORRECTION				59068
General Revenue Fund				59069
GRF 501-321	Institutional	\$ 892,162,864	\$ 928,980,197	59070
	Operations			
GRF 501-403	Prisoner Compensation	\$ 8,599,255	\$ 8,599,255	59071
GRF 501-405	Halfway House	\$ 41,214,205	\$ 41,214,205	59072
GRF 501-406	Lease Rental Payments	\$ 107,607,100	\$ 109,224,900	59073
GRF 501-407	Community	\$ 16,514,626	\$ 16,547,367	59074
	Nonresidential			
	Programs			
GRF 501-408	Community Misdemeanor	\$ 9,313,076	\$ 9,313,076	59075
	Programs			
GRF 501-501	Community Residential	\$ 57,104,132	\$ 57,104,132	59076
	Programs - CBCF			
GRF 502-321	Mental Health Services	\$ 75,112,063	\$ 78,405,363	59077
GRF 503-321	Parole and Community	\$ 79,296,672	\$ 82,739,767	59078
	Operations			
GRF 504-321	Administrative	\$ 27,599,198	\$ 28,703,273	59079
	Operations			
GRF 505-321	Institution Medical	\$ 199,073,620	\$ 198,337,805	59080
	Services			
GRF 506-321	Institution Education	\$ 23,784,868	\$ 24,847,502	59081
	Services			
GRF 507-321	Institution Recovery	\$ 7,319,028	\$ 7,664,520	59082

Services			
TOTAL GRF General Revenue Fund	\$ 1,544,700,707	\$ 1,591,681,362	59083
General Services Fund Group			59084
148 501-602 Services and Agricultural	\$ 104,485,807	\$ 108,290,058	59085
200 501-607 Ohio Penal Industries	\$ 39,395,391	\$ 40,845,414	59086
4B0 501-601 Sewer Treatment	\$ 2,331,003	\$ 2,407,018	59087
Services			
4D4 501-603 Prisoner Programs	\$ 20,967,703	\$ 20,967,703	59088
4L4 501-604 Transitional Control	\$ 2,051,451	\$ 2,051,451	59089
4S5 501-608 Education Services	\$ 4,564,072	\$ 4,564,072	59090
483 501-605 Property Receipts	\$ 393,491	\$ 393,491	59091
5AF 501-609 State and Non-Federal	\$ 262,718	\$ 262,718	59092
Awards			
5H8 501-617 Offender Financial Responsibility	\$ 2,500,000	\$ 2,500,000	59093
5L6 501-611 Information Technology	\$ 3,741,980	\$ 3,741,980	59094
Services			
571 501-606 Training Academy	\$ 75,190	\$ 75,190	59095
Receipts			
593 501-618 Laboratory Services	\$ 5,799,999	\$ 5,799,999	59096
TOTAL GSF General Services Fund Group	\$ 186,568,805	\$ 191,899,094	59097
Federal Special Revenue Fund Group			59098
3S1 501-615 Truth-In-Sentencing	\$ 8,709,142	\$ 8,709,142	59099
Grants			
323 501-619 Federal Grants	\$ 12,198,353	\$ 12,198,353	59100
3CJ 501-621 Medicaid Inpatient	\$ 11,600,000	\$ 15,500,000	59101
Services			
TOTAL FED Federal Special Revenue Fund Group	\$ 32,507,495	\$ 36,407,495	59102
TOTAL ALL BUDGET FUND GROUPS	\$ 1,763,777,007	\$ 1,819,987,951	59104

OHIO BUILDING AUTHORITY LEASE PAYMENTS				59105	
The foregoing appropriation item 501-406, Lease Rental				59106	
Payments, shall be used to meet all payments during the period				59107	
from July 1, 2007, to June 30, 2009, under the primary leases and				59108	
agreements for those buildings made under Chapter 152. of the				59109	
Revised Code. These appropriations are the source of funds pledged				59110	
for bond service charges or obligations issued pursuant to Chapter				59111	
152. of the Revised Code.				59112	
PRISONER COMPENSATION				59113	
Money from the foregoing appropriation item 501-403, Prisoner				59114	
Compensation, shall be transferred on a quarterly basis by				59115	
intrastate transfer voucher to the Services and Agricultural Fund				59116	
(Fund 148) for the purposes of paying prisoner compensation.				59117	
HIV/AIDS TESTING REENTRY PILOT PROGRAM				59118	
Of the foregoing appropriation item 505-321, Institution				59119	
Medical Services, up to \$250,000 in each fiscal year shall be used				59120	
for the HIV/AIDS testing re-entry pilot program at the Mansfield				59121	
Correctional Institution. Prior to a prisoner's release from				59122	
custody at the Mansfield Correctional Institution under the				59123	
control of the Department of Rehabilitation and Correction, the				59124	
department shall examine and test a prisoner for HIV infection and				59125	
any sexually transmitted disease. The department may examine and				59126	
test involuntarily a prisoner who refuses to be tested.				59127	
Section 379.10. RSC REHABILITATION SERVICES COMMISSION				59128	
General Revenue Fund				59129	
GRF 415-100 Personal Services	\$	8,851,468	\$	8,851,468	59130
GRF 415-402 Independent Living	\$	450,000	\$	450,000	59131
Council					
GRF 415-406 Assistive Technology	\$	47,531	\$	47,531	59132
GRF 415-431 Office for People with	\$	226,012	\$	226,012	59133

		Brain Injury					
GRF	415-502	System Reform	\$	0	\$	230,000	59134
GRF	415-506	Services for People with Disabilities	\$	15,059,541	\$	15,059,541	59135
GRF	415-508	Services for the Deaf	\$	50,000	\$	50,000	59136
TOTAL GRF		General Revenue Fund	\$	24,684,552	\$	24,914,552	59137
		General Services Fund Group					59138
4W5	415-606	Program Management Expenses	\$	18,123,188	\$	18,557,040	59139
467	415-609	Business Enterprise Operating Expenses	\$	1,632,082	\$	1,632,082	59140
TOTAL GSF		General Services Fund Group	\$	19,755,270	\$	20,189,122	59141
		Federal Special Revenue Fund Group					59143
3L1	415-601	Social Security Personal Care Assistance	\$	3,743,740	\$	3,743,740	59144
3L1	415-608	Social Security Vocational Rehabilitation	\$	2,256,260	\$	2,256,260	59145
3L4	415-612	Federal Independent Living Centers or Services	\$	648,908	\$	648,908	59146
3L4	415-615	Federal - Supported Employment	\$	884,451	\$	796,006	59147
3L4	415-617	Independent Living/Vocational Rehabilitation Programs	\$	1,490,944	\$	1,490,944	59148
317	415-620	Disability Determination	\$	82,808,006	\$	87,546,215	59149
379	415-616	Federal - Vocational	\$	122,484,545	\$	123,638,578	59150

Rehabilitation

TOTAL FED Federal Special				59151	
Revenue Fund Group	\$	214,316,854	\$	220,120,651	59152
State Special Revenue Fund Group				59153	
4L1 415-619 Services for	\$	3,765,337	\$	4,500,000	59154
Rehabilitation					
468 415-618 Third Party Funding	\$	906,910	\$	906,910	59155
TOTAL SSR State Special				59156	
Revenue Fund Group	\$	4,672,247	\$	5,406,910	59157
TOTAL ALL BUDGET FUND GROUPS	\$	263,428,923	\$	270,631,235	59158

INDEPENDENT LIVING COUNCIL

The foregoing appropriation item 415-402, Independent Living Council, shall be used to fund the operations of the State Independent Living Council and shall be used to support state independent living centers and independent living services under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.

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.

SYSTEM REFORM

Following receipt of a performance review performed by the Office of Budget and Management, the Director of the

Rehabilitation Services Commission shall develop a plan for the 59180
use of appropriation item 415-502, System Reform. Following 59181
approval of the plan by the Director of Budget and Management, the 59182
Rehabilitation Services Commission may begin expending the dollars 59183
appropriated to appropriation item 415-502, System Reform. 59184

VOCATIONAL REHABILITATION SERVICES 59185

The foregoing appropriation item 415-506, Services for People 59186
with Disabilities, shall be used as state matching funds to 59187
provide vocational rehabilitation services to eligible consumers. 59188

PROGRAM MANAGEMENT EXPENSES 59189

The foregoing appropriation item 415-606, Program Management 59190
Expenses, shall be used to support the administrative functions of 59191
the commission related to the provision of vocational 59192
rehabilitation, disability determination services, and ancillary 59193
programs. 59194

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 59195

The foregoing appropriation item 415-617, Independent 59196
Living/Vocational Rehabilitation Programs, shall be used to 59197
support vocational rehabilitation programs. 59198

SOCIAL SECURITY REIMBURSEMENT FUNDS 59199

Reimbursement funds received from the Social Security 59200
Administration, United States Department of Health and Human 59201
Services, for the costs of providing services and training to 59202
return disability recipients to gainful employment shall be used 59203
in the Social Security Reimbursement Fund (Fund 3L1), to the 59204
extent funds are available, as follows: 59205

(A) Appropriation item 415-601, Social Security Personal Care 59206
Assistance, to provide personal care services in accordance with 59207
section 3304.41 of the Revised Code; 59208

(B) Appropriation item 415-608, Social Security Vocational 59209

Rehabilitation, to provide vocational rehabilitation services to 59210
 individuals with severe disabilities who are Social Security 59211
 beneficiaries, to enable them to achieve competitive employment. 59212
 This appropriation item also includes funds to assist the Personal 59213
 Care Assistance Program to pay its share of indirect costs as 59214
 mandated by federal OMB Circular A-87. 59215

Section 381.10. RCB RESPIRATORY CARE BOARD 59216

General Services Fund Group 59217
 4K9 872-609 Operating Expenses \$ 491,628 \$ 481,768 59218
 TOTAL GSF General Services 59219
 Fund Group \$ 491,628 \$ 481,768 59220
 TOTAL ALL BUDGET FUND GROUPS \$ 491,628 \$ 481,768 59221

Section 383.10. RDF REVENUE DISTRIBUTION FUNDS 59223

Volunteer Firefighters' Dependents Fund 59224
 085 800-900 Volunteer \$ 300,000 \$ 300,000 59225
 Firefighters'
 Dependents Fund
 TOTAL 085 Volunteer Firefighters' 59226
 Dependents Fund \$ 300,000 \$ 300,000 59227
 Agency Fund Group 59228
 062 110-962 Resort Area Excise Tax \$ 1,000,000 \$ 1,000,000 59229
 063 110-963 Permissive Tax \$ 1,778,662,000 \$ 1,849,000,000 59230
 Distribution
 067 110-967 School District Income \$ 325,000,000 \$ 350,000,000 59231
 Tax
 4P8 001-698 Cash Management \$ 3,050,000 \$ 3,100,000 59232
 Improvement Fund
 608 001-699 Investment Earnings \$ 250,000,000 \$ 250,000,000 59233
 TOTAL AGY Agency Fund Group \$ 2,357,712,000 \$ 2,453,100,000 59234
 Holding Account Redistribution 59235

R45	110-617	International Fuel Tax	\$	50,000,000	\$	50,000,000	59236
		Distribution					
TOTAL	090	Holding Account	\$	50,000,000	\$	50,000,000	59237
		Redistribution Fund					
		Revenue Distribution Fund Group					59238
049	038-900	Indigent Drivers	\$	1,797,000	\$	1,832,000	59239
		Alcohol Treatment					
050	762-900	International	\$	54,475,631	\$	55,565,143	59240
		Registration Plan					
		Distribution					
051	762-901	Auto Registration	\$	500,000,000	\$	539,000,000	59241
		Distribution					
054	110-954	Local Government	\$	93,250,000	\$	95,125,000	59242
		Property Tax					
		Replacement - Utility					
060	110-960	Gasoline Excise Tax	\$	375,000,000	\$	375,000,000	59243
		Fund					
064	110-964	Local Government	\$	42,400,000	\$	0	59244
		Revenue Assistance					
065	110-965	Library/Local	\$	207,200,000	\$	0	59245
		Government Support					
		Fund					
066	800-900	Undivided Liquor	\$	13,500,000	\$	13,500,000	59246
		Permits					
068	110-968	State and Local	\$	240,250,000	\$	242,500,000	59247
		Government Highway					
		Distribution					
069	110-969	Local Government Fund	\$	298,700,000	\$	0	59248
081	110-981	Local Government	\$	262,500,000	\$	366,800,000	59249
		Property Tax					
		Replacement-Business					
082	110-982	Horse Racing Tax	\$	125,000	\$	130,000	59250
083	700-900	Ohio Fairs Fund	\$	2,277,000	\$	2,325,000	59251

091 110-991 Local Communities	\$ 430,600,000	\$ 782,800,000	59252
092 110-992 Local Libraries	\$ 251,700,000	\$ 462,800,000	59253
TOTAL RDF Revenue Distribution			59254
Fund Group	\$ 2,773,774,631	\$ 2,937,377,143	59255
TOTAL ALL BUDGET FUND GROUPS	\$ 5,181,786,631	\$ 5,440,777,143	59256

ADDITIONAL APPROPRIATIONS 59257

Appropriation items in this section shall be used for the 59258
purpose of administering and distributing the designated revenue 59259
distribution funds according to the Revised Code. If it is 59260
determined that additional appropriations are necessary for this 59261
purpose, such amounts are appropriated. 59262

GENERAL REVENUE FUND TRANSFERS TO LOCAL GOVERNMENT PROPERTY 59263
TAX REPLACEMENT - BUSINESS (FUND 081) 59264

Notwithstanding any provision of law to the contrary, in 59265
fiscal year 2008 and fiscal year 2009, the Director of Budget and 59266
Management may transfer from the General Revenue Fund to the Local 59267
Government Property Tax Replacement - Business (Fund 081) in the 59268
Revenue Distribution Fund, those amounts necessary to reimburse 59269
local taxing units under section 5751.22 of the Revised Code. 59270
Also, in fiscal year 2008 and fiscal year 2009, the Director of 59271
Budget and Management may make temporary transfers from the 59272
General Revenue Fund to ensure sufficient balances in the Local 59273
Government Property Tax Replacement - Business Fund (Fund 081) and 59274
to replenish the General Revenue Fund for such transfers. 59275

Section 385.10. SAN BOARD OF SANITARIAN REGISTRATION 59276

General Services Fund Group			59277
4K9 893-609 Operating Expenses	\$ 138,551	\$ 138,551	59278
TOTAL GSF General Services			59279
Fund Group	\$ 138,551	\$ 138,551	59280
TOTAL ALL BUDGET FUND GROUPS	\$ 138,551	\$ 138,551	59281

Section 387.10. OSB OHIO STATE SCHOOL FOR THE BLIND				59283
General Revenue Fund				59284
GRF 226-100 Personal Services	\$	7,093,127	\$ 7,519,318	59285
GRF 226-200 Maintenance	\$	704,154	\$ 704,154	59286
GRF 226-300 Equipment	\$	113,288	\$ 113,288	59287
TOTAL GRF General Revenue Fund	\$	7,910,569	\$ 8,336,760	59288
General Services Fund Group				59289
4H8 226-602 School Improvement	\$	37,514	\$ 37,514	59290
Grants				
TOTAL GSF General Services				59291
Fund Group	\$	37,514	\$ 37,514	59292
Federal Special Revenue Fund Group				59293
3P5 226-643 Medicaid Services	\$	50,000	\$ 50,000	59294
Reimbursement				
310 226-626 Multi-Handicapped	\$	2,527,105	\$ 2,527,105	59295
Student Support				
TOTAL FED Federal Special				59296
Revenue Fund Group	\$	2,577,105	\$ 2,577,105	59297
State Special Revenue Fund Group				59298
4M5 226-601 Work Study and	\$	217,397	\$ 217,397	59299
Donations				
TOTAL SSR State Special Revenue				59300
Fund Group	\$	217,397	\$ 217,397	59301
TOTAL ALL BUDGET FUND GROUPS	\$	10,742,585	\$ 11,168,776	59302
 Section 389.10. OSD OHIO SCHOOL FOR THE DEAF				59304
General Revenue Fund				59305
GRF 221-100 Personal Services	\$	8,775,363	\$ 9,263,862	59306
GRF 221-200 Maintenance	\$	1,033,092	\$ 1,033,092	59307
GRF 221-300 Equipment	\$	222,500	\$ 222,500	59308
TOTAL GRF General Revenue Fund	\$	10,030,955	\$ 10,519,454	59309

General Services Fund Group				59310
4M1 221-602 School Improvement	\$	38,000	\$ 38,000	59311
Grants				
TOTAL GSF General Services				59312
Fund Group	\$	38,000	\$ 38,000	59313
Federal Special Revenue Fund Group				59314
3AD 221-604 VREAL Ohio	\$	25,000	\$ 25,000	59315
3R0 221-684 Medicaid Services	\$	34,999	\$ 34,999	59316
Reimbursement				59317
3Y1 221-686 Federal Early	\$	250,000	\$ 250,000	59318
Childhood Grant				
311 221-625 Statewide Outreach	\$	2,470,135	\$ 2,470,135	59319
TOTAL FED Federal Special				59320
Revenue Fund Group	\$	2,780,134	\$ 2,780,134	59321
State Special Revenue Fund Group				59322
4M0 221-601 Work Study and	\$	95,000	\$ 95,000	59323
Donations				
5H6 221-609 Preschool Program	\$	127,832	\$ 125,358	59324
Support				
TOTAL SSR State Special Revenue				59325
Fund Group	\$	222,832	\$ 220,358	59326
TOTAL ALL BUDGET FUND GROUPS	\$	13,071,921	\$ 13,557,946	59327
Section 391.10. SFC SCHOOL FACILITIES COMMISSION				59329
General Revenue Fund				59330
GRF 230-428 Lease Rental Payments	\$	22,702,000	\$ 0	59331
GRF 230-908 Common Schools General	\$	284,768,400	\$ 339,648,300	59332
Obligation Debt				
Service				
TOTAL GRF General Revenue Fund	\$	307,470,400	\$ 339,648,300	59333
State Special Revenue Fund Group				59334

5E3 230-644 Operating Expenses	\$	7,749,813	\$	7,786,197	59335
TOTAL SSR State Special Revenue					59336
Fund Group	\$	7,749,813	\$	7,786,197	59337
TOTAL ALL BUDGET FUND GROUPS	\$	315,220,213	\$	347,434,497	59338

Section 391.20. LEASE RENTAL PAYMENTS 59340

The foregoing appropriation item 230-428, Lease Rental 59341
Payments, shall be used to meet all payments at the times they are 59342
required to be made during the period from July 1, 2007, to June 59343
30, 2009, by the Ohio School Facilities Commission under leases 59344
and agreements made under section 3318.26 of the Revised Code. 59345

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE 59346

The foregoing appropriation item 230-908, Common Schools 59347
General Obligation Debt Service, shall be used to pay all debt 59348
service and related financing costs at the times they are required 59349
to be made for obligations issued during the period from July 1, 59350
2007, through June 30, 2009, under sections 151.01 and 151.03 of 59351
the Revised Code. 59352

OPERATING EXPENSES 59353

The foregoing appropriation item 230-644, Operating Expenses, 59354
shall be used by the Ohio School Facilities Commission to carry 59355
out its responsibilities under this section and Chapter 3318. of 59356
the Revised Code. 59357

In both fiscal years 2008 and 2009, the Executive Director of 59358
the Ohio School Facilities Commission shall certify on a quarterly 59359
basis to the Director of Budget and Management the amount of cash 59360
from interest earnings to be transferred from the School Building 59361
Assistance Fund (Fund 032), the Public School Building Fund (Fund 59362
021), and the Educational Facilities Trust Fund (Fund N87) to the 59363
Ohio School Facilities Commission Fund (Fund 5E3). The amount 59364
transferred from the School Building Assistance Fund (Fund 032) 59365

may not exceed investment earnings credited to the fund, less any 59366
amount required to be paid for federal arbitrage rebate purposes. 59367

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 59368

At the request of the Executive Director of the Ohio School 59369
Facilities Commission, the Director of Budget and Management may 59370
cancel encumbrances for school district projects from a previous 59371
biennium if the district has not raised its local share of project 59372
costs within one year of receiving Controlling Board approval 59373
under section 3318.05 of the Revised Code. The Executive Director 59374
of the Ohio School Facilities Commission shall certify the amounts 59375
of the canceled encumbrances to the Director of Budget and 59376
Management on a quarterly basis. The amounts of the canceled 59377
encumbrances are hereby appropriated. 59378

Section 391.30. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 59379
FACILITIES 59380

Notwithstanding any other provision of law to the contrary, 59381
the Ohio School Facilities Commission may provide assistance under 59382
the Exceptional Needs School Facilities Program established in 59383
section 3318.37 of the Revised Code to any school district, and 59384
not exclusively to a school district in the lowest seventy-five 59385
per cent of adjusted valuation per pupil on the current ranking of 59386
school districts established under section 3317.02 of the Revised 59387
Code, for the purpose of the relocation or replacement of school 59388
facilities required as a result of extreme environmental 59389
contamination. 59390

The Ohio School Facilities Commission shall contract with an 59391
independent environmental consultant to conduct a study and to 59392
report to the commission as to the seriousness of the 59393
environmental contamination, whether the contamination violates 59394
applicable state and federal standards, and whether the facilities 59395
are no longer suitable for use as school facilities. The 59396

commission then shall make a determination regarding funding for 59397
the relocation or replacement of the school facilities. If the 59398
federal government or other public or private entity provides 59399
funds for restitution of costs incurred by the state or school 59400
district in the relocation or replacement of the school 59401
facilities, the school district shall use such funds in excess of 59402
the school district's share to refund the state for the state's 59403
contribution to the environmental contamination portion of the 59404
project. The school district may apply an amount of such 59405
restitution funds up to an amount equal to the school district's 59406
portion of the project, as defined by the commission, toward 59407
paying its portion of that project to reduce the amount of bonds 59408
the school district otherwise must issue to receive state 59409
assistance under sections 3318.01 to 3318.20 of the Revised Code. 59410

Section 391.40. CANTON CITY SCHOOL DISTRICT PROJECT 59411

(A) The Ohio School Facilities Commission may commit up to 59412
thirty-five million dollars to the Canton City School District for 59413
construction of a facility described in this section, in lieu of a 59414
high school that would otherwise be authorized under Chapter 3318. 59415
of the Revised Code. The Commission shall not commit funds under 59416
this section unless all of the following conditions are met: 59417

(1) The District has entered into a cooperative agreement 59418
with a state-assisted technical college. 59419

(2) The District has received an irrevocable commitment of 59420
additional funding from nonpublic sources. 59421

(3) The facility is intended to serve both secondary and 59422
postsecondary instructional purposes. 59423

(B) The Commission shall enter into an agreement with the 59424
District for the construction of the facility authorized under 59425
this section that is separate from and in addition to the 59426

agreement required for the District's participation in the Classroom Facilities Assistance Program under section 3318.08 of the Revised Code. Notwithstanding that section and sections 3318.03, 3318.04, and 3318.083 of the Revised Code, the additional agreement shall provide, but not be limited to, the following:

(1) The Commission shall not have any oversight responsibilities over the construction of the facility.

(2) The facility need not comply with the specifications for plans and materials for high schools adopted by the Commission.

(3) The Commission may decrease the basic project cost that would otherwise be calculated for a high school under Chapter 3318. of the Revised Code.

(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 391.50. CAREER-TECHNICAL LOAN PROGRAM

Within thirty days after the effective date of this section, or as soon as possible thereafter, the Executive Director of the Ohio School Facilities Commission shall certify the cash balance in the Career-Technical School Building Assistance Fund (Fund 020) to the Director of Budget and Management, who shall transfer that

amount to the Public School Building Fund (Fund 021) and abolish 59457
the Career-Technical School Building Assistance Fund (Fund 020). 59458

All repayments of current loans approved under section 59459
3318.48 of the Revised Code, which is repealed by this act, shall 59460
be deposited to the credit of the Public School Building Fund 59461
(Fund 021). Should a district fail to submit the annual 59462
installment of the loan repayment within sixty days after the due 59463
date, the Department of Education, upon the request of the 59464
Executive Director of the Ohio School Facilities Commission, shall 59465
deduct the amount of the installment from payments due to a 59466
district under Chapter 3317. of the Revised Code or from any other 59467
funds appropriated to the district by the General Assembly, and 59468
shall transfer that amount to the Commission to the credit of the 59469
Public School Building Fund (Fund 021). 59470

Section 393.10. SOS SECRETARY OF STATE 59471

General Revenue Fund 59472

GRF 050-321 Operating Expenses	\$	2,585,000	\$	2,585,000	59473
GRF 050-403 Election Statistics	\$	103,936	\$	103,936	59474
GRF 050-407 Pollworkers Training	\$	277,997	\$	277,997	59475
GRF 050-409 Litigation	\$	4,652	\$	4,652	59476

Expenditures

TOTAL GRF General Revenue Fund \$ 2,971,585 \$ 2,971,585 59477

General Services Fund Group 59478

4S8 050-610 Board of Voting	\$	7,200	\$	7,200	59479
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Machine Examiners

412 050-609 Notary Commission	\$	685,249	\$	685,249	59480
413 050-601 Information Systems	\$	119,955	\$	119,955	59481
414 050-602 Citizen Education Fund	\$	55,712	\$	55,712	59482
TOTAL General Services Fund Group	\$	868,116	\$	868,116	59483

Federal Special Revenue Fund Group 59484

3AH 050-614	Election Reform/Health and Human Services	\$	1,000,000	\$	1,000,000	59485
3AS 050-616	2005 HAVA Voting Machines	\$	3,750,000	\$	3,750,000	59486
3X4 050-612	Ohio Center/Law Related Educational Grant	\$	41,000	\$	41,000	59487
TOTAL FED Federal Special Revenue						59488
Fund Group		\$	4,791,000	\$	4,791,000	59489
State Special Revenue Fund Group						59490
5N9 050-607	Technology Improvements	\$	129,565	\$	129,565	59491
599 050-603	Business Services Operating Expenses	\$	13,761,734	\$	13,761,734	59492
TOTAL SSR State Special Revenue						59493
Fund Group		\$	13,891,299	\$	13,891,299	59494
Holding Account Redistribution Fund Group						59495
R01 050-605	Uniform Commercial Code Refunds	\$	30,000	\$	30,000	59496
R02 050-606	Corporate/Business Filing Refunds	\$	85,000	\$	85,000	59497
TOTAL 090 Holding Account						59498
Redistribution Fund Group		\$	115,000	\$	115,000	59499
TOTAL ALL BUDGET FUND GROUPS						59500

BOARD OF VOTING MACHINE EXAMINERS 59501

The foregoing appropriation item 050-610, Board of Voting
Machine Examiners, shall be used to pay for the services and
expenses of the members of the Board of Voting Machine Examiners,
and for other expenses that are authorized to be paid from the
Board of Voting Machine Examiners Fund, which is created in
section 3506.05 of the Revised Code. Moneys not used shall be
returned to the person or entity submitting the equipment for

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examination. If it is determined that additional appropriations 59509
are necessary, such amounts are appropriated. 59510

2005 HAVA VOTING MACHINES 59511

On July 1, 2008, or as soon as possible thereafter, the 59512
Director of Budget and Management shall transfer any remaining 59513
unexpended, unencumbered appropriations in Fund 3AS, appropriation 59514
item 050-616, 2005 HAVA Voting Machines, for use in fiscal year 59515
2009. The transferred amount is hereby appropriated. 59516

On July 1, 2008, or as soon as possible thereafter, the 59517
Director of Budget and Management shall transfer any remaining 59518
unexpended, unencumbered appropriations in Fund 3AH, appropriation 59519
item 050-614, Election Reform/Health and Human Services Fund, for 59520
use in fiscal year 2009. The transferred amount is hereby 59521
appropriated. 59522

Ongoing interest earnings from the federal Election 59523
Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA 59524
Voting Machines Fund (Fund 3AS) shall be credited to the 59525
respective funds and distributed in accordance with the terms of 59526
the grant under which the money is received. 59527

HOLDING ACCOUNT REDISTRIBUTION GROUP 59528

The foregoing appropriation items 050-605 and 050-606, 59529
Holding Account Redistribution Fund Group, shall be used to hold 59530
revenues until they are directed to the appropriate accounts or 59531
until they are refunded. If it is determined that additional 59532
appropriations are necessary, such amounts are appropriated. 59533

Section 395.10. SEN THE OHIO SENATE 59534

General Revenue Fund 59535

GRF 020-321 Operating Expenses \$ 11,778,439 \$ 11,778,439 59536

TOTAL GRF General Revenue Fund \$ 11,778,439 \$ 11,778,439 59537

General Services Fund Group 59538

102 020-602 Senate Reimbursement	\$	448,465	\$	448,465	59539
409 020-601 Miscellaneous Sales	\$	34,497	\$	34,497	59540
TOTAL GSF General Services					59541
Fund Group	\$	482,962	\$	482,962	59542
TOTAL ALL BUDGET FUND GROUPS	\$	12,261,401	\$	12,261,401	59543

OPERATING EXPENSES 59544

On July 1, 2007, or as soon as possible thereafter, the Clerk 59545
of the Senate shall certify to the Director of Budget and 59546
Management the total fiscal year 2007 unencumbered appropriations 59547
in appropriation item 020-321, Operating Expenses. The Clerk may 59548
direct the Director of Budget and Management to transfer an amount 59549
not to exceed the total fiscal year 2007 unencumbered 59550
appropriations to fiscal year 2008 for use within appropriation 59551
item 020-321, Operating Expenses. Additional appropriation 59552
authority equal to the amount certified by the Clerk is hereby 59553
appropriated to appropriation item 020-321, Operating Expenses, in 59554
fiscal year 2008. 59555

On July 1, 2008, or as soon as possible thereafter, the Clerk 59556
of the Senate shall certify to the Director of Budget and 59557
Management the total fiscal year 2008 unencumbered appropriations 59558
in appropriation item 020-321, Operating Expenses. The Clerk may 59559
direct the Director of Budget and Management to transfer an amount 59560
not to exceed the total fiscal year 2008 unencumbered 59561
appropriations to fiscal year 2009 for use within appropriation 59562
item 020-321, Operating Expenses. Additional appropriation 59563
authority equal to the amount certified by the Clerk is hereby 59564
appropriated to appropriation item 020-321, Operating Expenses, in 59565
fiscal year 2009. 59566

Section 397.10. CSF COMMISSIONERS OF THE SINKING FUND 59567

Debt Service Fund Group					59568
070 155-905 Third Frontier	\$	14,349,500	\$	25,023,400	59569

		Research & Development				
		Bond Retirement Fund				
072	155-902	Highway Capital	\$	202,694,900	\$	205,139,500 59570
		Improvement Bond				
		Retirement Fund				
073	155-903	Natural Resources Bond	\$	24,713,800	\$	25,723,000 59571
		Retirement Fund				
074	155-904	Conservation Projects	\$	14,847,200	\$	19,779,200 59572
		Bond Service Fund				
076	155-906	Coal Research and	\$	7,232,400	\$	8,192,500 59573
		Development Bond				
		Retirement Fund				
077	155-907	State Capital	\$	178,713,600	\$	189,296,300 59574
		Improvement Bond				
		Retirement Fund				
078	155-908	Common Schools Bond	\$	292,268,400	\$	342,148,300 59575
		Retirement Fund				
079	155-909	Higher Education Bond	\$	175,972,400	\$	210,372,200 59576
		Retirement Fund				
090	155-912	Job Ready Site	\$	4,359,400	\$	8,232,500 59577
		Development Bond				
		Retirement Fund				
		TOTAL DSF Debt Service Fund Group	\$	915,151,600	\$	1,033,906,900 59578
		TOTAL ALL BUDGET FUND GROUPS	\$	915,151,600	\$	1,033,906,900 59579

ADDITIONAL APPROPRIATIONS 59580

Appropriation items in this section are for the purpose of 59581
 paying debt service and financing costs on bonds or notes of the 59582
 state issued under the Ohio Constitution and acts of the General 59583
 Assembly. If it is determined that additional appropriations are 59584
 necessary for this purpose, such amounts are hereby appropriated. 59585

Section 399.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY 59586

DEVELOPMENT FOUNDATION				59587
General Revenue Fund				59588
GRF 945-321 Operating Expenses	\$	0	\$ 475,220	59589
GRF 945-501 Southern Ohio	\$	0	\$ 7,513,251	59590
Agricultural and				
Community Development				
Foundation				
TOTAL GRF General Revenue Fund	\$	0	\$ 7,988,471	59591
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$ 7,988,471	59592
SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT				59593
FOUNDATION				59594
The foregoing appropriation item 945-321, Operating Expenses,				59595
shall be used for the operating expenses of the Southern Ohio				59596
Agricultural and Community Development Foundation in administering				59597
programs under section 183.15 of the Revised Code.				59598
The foregoing appropriation item 945-501, Southern Ohio				59599
Agricultural and Community Development Foundation, shall be used				59600
by the Southern Ohio Agricultural and Community Development				59601
Foundation for programs administered under section 183.15 of the				59602
Revised Code.				59603
Section 401.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &				59604
AUDIOLOGY				59605
General Services Fund Group				59606
4K9 886-609 Operating Expenses	\$	430,600	\$ 453,000	59607
TOTAL GSF General Services				59608
Fund Group	\$	430,600	\$ 453,000	59609
TOTAL ALL BUDGET FUND GROUPS	\$	430,600	\$ 453,000	59610
Section 403.10. BTA BOARD OF TAX APPEALS				59612
General Revenue Fund				59613

GRF 116-321 Operating Expenses	\$	2,247,476	\$	2,369,363	59614
TOTAL GRF General Revenue Fund	\$	2,247,476	\$	2,369,363	59615
TOTAL ALL BUDGET FUND GROUPS	\$	2,247,476	\$	2,369,363	59616

Section 405.10. TAX DEPARTMENT OF TAXATION 59618

General Revenue Fund					59619
GRF 110-321 Operating Expenses	\$	92,040,062	\$	92,440,062	59620
GRF 110-404 Tobacco Settlement	\$	0	\$	328,034	59621
Enforcement					
GRF 110-412 Child Support	\$	71,680	\$	71,680	59622
Administration					
GRF 110-901 Property Tax	\$	446,953,165	\$	478,613,618	59623
Allocation - Taxation					
GRF 110-906 Tangible Tax Exemption	\$	9,177,962	\$	4,588,981	59624
- Taxation					
TOTAL GRF General Revenue Fund	\$	548,242,869	\$	576,042,375	59625
General Services Fund Group					59626
433 110-602 Tape File Account	\$	125,000	\$	140,000	59627
5BQ 110-629 Commercial Activity	\$	6,000,000	\$	6,000,000	59628
Tax Administration					
5W4 110-625 Centralized Tax Filing	\$	400,000	\$	200,000	59629
and Payment					
5W7 110-627 Exempt Facility	\$	100,000	\$	150,000	59630
Administration					
5CZ 110-631 Vendor's License	\$	1,000,000	\$	1,000,000	59631
Application					
TOTAL GSF General Services					59632
Fund Group	\$	7,625,000	\$	7,490,000	59633
State Special Revenue Fund Group					59634
4C6 110-616 International	\$	706,855	\$	706,855	59635
Registration Plan					
4R6 110-610 Tire Tax	\$	125,000	\$	150,000	59636

		Administration					
435	110-607	Local Tax	\$	17,250,000	\$	17,250,000	59637
		Administration					
436	110-608	Motor Vehicle Audit	\$	1,200,000	\$	1,200,000	59638
437	110-606	Litter Tax and Natural	\$	675,000	\$	800,000	59639
		Resource Tax					
		Administration					
438	110-609	School District Income	\$	3,600,000	\$	3,600,000	59640
		Tax					
5N5	110-605	Municipal Income Tax	\$	500,000	\$	500,000	59641
		Administration					
5N6	110-618	Kilowatt Hour Tax	\$	125,000	\$	175,000	59642
		Administration					
5V7	110-622	Motor Fuel Tax	\$	4,700,000	\$	5,000,000	59643
		Administration					
5V8	110-623	Property Tax	\$	13,500,000	\$	13,500,000	59644
		Administration					
639	110-614	Cigarette Tax	\$	100,000	\$	100,000	59645
		Enforcement					
642	110-613	Ohio Political Party	\$	600,000	\$	600,000	59646
		Distributions					
688	110-615	Local Excise Tax	\$	210,000	\$	180,000	59647
		Administration					
TOTAL SSR State Special Revenue							59648
Fund Group			\$	43,291,855	\$	43,761,855	59649
Agency Fund Group							59650
095	110-995	Municipal Income Tax	\$	21,000,000	\$	21,000,000	59651
425	110-635	Tax Refunds	\$	1,565,900,000	\$	1,546,800,000	59652
TOTAL AGY Agency Fund Group			\$	1,586,900,000	\$	1,567,800,000	59653
Holding Account Redistribution Fund Group							59654
R10	110-611	Tax Distributions	\$	50,000	\$	50,000	59655
R11	110-612	Miscellaneous Income	\$	50,000	\$	50,000	59656

Tax Receipts

TOTAL 090 Holding Account				59657	
Redistribution Fund Group	\$	100,000	\$	100,000	59658
TOTAL ALL BUDGET FUND GROUPS	\$	2,186,159,724	\$	2,195,194,230	59659

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 59660
EXEMPTION 59661

The foregoing appropriation item 110-901, Property Tax 59662
Allocation - Taxation, is hereby appropriated to pay for the 59663
state's costs incurred because of the Homestead Exemption, the 59664
Manufactured Home Property Tax Rollback, and the Property Tax 59665
Rollback. The Tax Commissioner shall distribute these funds 59666
directly to the appropriate local taxing districts, except for 59667
school districts, notwithstanding the provisions in sections 59668
321.24 and 323.156 of the Revised Code, which provide for payment 59669
of the Homestead Exemption, the Manufactured Home Property Tax 59670
Rollback, and Property Tax Rollback by the Tax Commissioner to the 59671
appropriate county treasurer and the subsequent redistribution of 59672
these funds to the appropriate local taxing districts by the 59673
county auditor. 59674

The foregoing appropriation item 110-906, Tangible Tax 59675
Exemption - Taxation, is hereby appropriated to pay for the 59676
state's costs incurred because of the tangible personal property 59677
tax exemption required by division (C)(3) of section 5709.01 of 59678
the Revised Code. The Tax Commissioner shall distribute to each 59679
county treasurer the total amount appearing in the notification 59680
from the county treasurer under division (G) of section 321.24 of 59681
the Revised Code for all local taxing districts located in the 59682
county except for school districts, notwithstanding the provision 59683
in section 321.24 of the Revised Code which provides for payment 59684
of the \$10,000 tangible personal property tax exemption by the Tax 59685
Commissioner to the appropriate county treasurer for all local 59686
taxing districts located in the county including school districts. 59687

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

The foregoing appropriation item 110-995, 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.

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 59722

Of the foregoing appropriation item 110-607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.

LITTER CONTROL TAX ADMINISTRATION FUND 59730

Notwithstanding section 5733.12 of the Revised Code, during the period from July 1, 2007, to June 30, 2008, the amount of \$675,000, and during the period from July 1, 2008, to June 30, 2009, the amount of \$800,000, received by the Tax Commissioner under Chapter 5733. of the Revised Code, shall be credited to the Litter Control Tax Administration Fund (Fund 437).

CENTRALIZED TAX FILING AND PAYMENT FUND 59737

The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the General Revenue Fund to the credit of the Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers of cash shall not exceed \$600,000 in the biennium.

COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND 59744

The foregoing appropriation item 110-629, Commercial Activity Tax Administration Fund (Fund 5BQ), 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. 59748
59749

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, section 5743.024, section 5743.15, division (C) of section 5747.03, and section 5747.113 of the Revised Code or any other provisions 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, 2007, or as soon as possible thereafter, to the Commercial Activities Tax Administration Fund (Fund 5BQ). 59750
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TOBACCO SETTLEMENT ENFORCEMENT 59761

The foregoing appropriation item 110-404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code. 59762
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59765

Section 407.10. DOT DEPARTMENT OF TRANSPORTATION 59766

Transportation Modes 59767

General Revenue Fund 59768

GRF 775-451 Public Transportation \$ 20,300,000 \$ 20,300,000 59769
- State

GRF 776-465 Ohio Rail Development \$ 4,700,000 \$ 4,700,000 59770
Commission

GRF 776-466 Railroad \$ 789,600 \$ 789,600 59771
Crossing/Grade
Separation

GRF 777-471 Airport Improvements - \$ 5,793,985 \$ 1,794,003 59772
State

TOTAL GRF General Revenue Fund	\$	31,583,585	\$	27,583,603	59773
TOTAL ALL BUDGET FUND GROUPS	\$	31,583,585	\$	27,583,603	59774

AIRPORT IMPROVEMENTS 59775

Of the foregoing appropriation item 777-471, Airport 59776
 Improvements - State, \$2,500,000 in fiscal year 2008 shall be used 59777
 for Dayton Concourse D Air Travel and Support. 59778

Of the foregoing appropriation item 777-471, Airport 59779
 Improvements - State, \$1,500,000 in fiscal year 2008 shall be used 59780
 for air travel and support and economic development of statewide 59781
 airports. The Directors of Development and Transportation may 59782
 enter into one or more interagency agreements between their two 59783
 departments as necessary to implement a statewide strategy to 59784
 enhance Ohio's airports as centers of regional economic 59785
 development. 59786

Section 409.10. TOS TREASURER OF STATE 59787

General Revenue Fund 59788

GRF 090-321 Operating Expenses	\$	9,313,195	\$	9,313,195	59789
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GRF 090-401 Office of the Sinking Fund	\$	537,223	\$	537,223	59790 59791
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GRF 090-402 Continuing Education	\$	448,843	\$	448,843	59792
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GRF 090-524 Police and Fire Disability Pension	\$	14,000	\$	12,000	59793 59794
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Fund

GRF 090-534 Police & Fire Ad Hoc	\$	140,000	\$	130,000	59795
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Cost
of Living 59796

GRF 090-554 Police and Fire	\$	910,000	\$	865,000	59797
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Survivor
Benefits 59798

GRF 090-575 Police and Fire Death	\$	20,000,000	\$	20,000,000	59799
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Benefits 59800

TOTAL GRF General Revenue Fund	\$	31,363,261	\$	31,306,261	59801
General Services Fund Group					59802
4E9 090-603 Securities Lending	\$	3,164,000	\$	3,314,000	59803
Income					
577 090-605 Investment Pool	\$	550,000	\$	550,000	59804
Reimbursement					59805
605 090-609 Treasurer of State	\$	350,000	\$	350,000	59806
Administrative Fund					59807
TOTAL GSF General Services					59808
Fund Group	\$	4,064,000	\$	4,214,000	59809
State Special Revenue Fund Group					59810
5C5 090-602 County Treasurer	\$	135,000	\$	135,000	59811
Education					
TOTAL SSR State Special Revenue					59812
Fund Group	\$	135,000	\$	135,000	59813
Agency Fund Group					59814
425 090-635 Tax Refunds	\$	31,000,000	\$	31,000,000	59815
TOTAL Agency Fund Group	\$	31,000,000	\$	31,000,000	59816
TOTAL ALL BUDGET FUND GROUPS	\$	66,562,261	\$	66,655,261	59817

Section 409.10.10. OFFICE OF THE SINKING FUND 59819

The foregoing appropriation item 090-401, Office of the 59820
Sinking Fund, shall be used for financing and other costs incurred 59821
by or on behalf of the Commissioners of the Sinking Fund, the Ohio 59822
Public Facilities Commission or its secretary, or the Treasurer of 59823
State, with respect to State of Ohio general obligation bonds or 59824
notes, including, but not limited to, printing, advertising, 59825
delivery, rating fees and the procurement of ratings, professional 59826
publications, membership in professional organizations, and 59827
services referred to in division (D) of section 151.01 of the 59828
Revised Code. The General Revenue Fund shall be reimbursed for 59829
such costs by intrastate transfer voucher pursuant to a 59830

certification by the Office of the Sinking Fund of the actual 59831
amounts used. The amounts necessary to make such reimbursements 59832
are appropriated from the general obligation bond retirement funds 59833
created by the Constitution and laws to the extent such costs are 59834
incurred. 59835

POLICE AND FIRE DEATH BENEFIT FUND 59836

The foregoing appropriation item 090-575, Police and Fire 59837
Death Benefits, shall be disbursed quarterly by the Treasurer of 59838
State at the beginning of each quarter of each fiscal year to the 59839
Board of Trustees of the Ohio Police and Fire Pension Fund. The 59840
Treasurer of State shall certify such amounts quarterly to the 59841
Director of Budget and Management. By the twentieth day of June of 59842
each fiscal year, the Board of Trustees of the Ohio Police and 59843
Fire Pension Fund shall certify to the Treasurer of State the 59844
amount disbursed in the current fiscal year to make the payments 59845
required by section 742.63 of the Revised Code and shall return to 59846
the Treasurer of State moneys received from this appropriation 59847
item but not disbursed. 59848

TAX REFUNDS 59849

The foregoing appropriation item 090-635, Tax Refunds, shall 59850
be used to pay refunds under section 5703.052 of the Revised Code. 59851
If the Director of Budget and Management determines that 59852
additional amounts are necessary for this purpose, such amounts 59853
are hereby appropriated. 59854

Section 411.10. TTA OHIO TUITION TRUST AUTHORITY 59855

State Special Revenue Fund Group 59856

5AM 095-603 Index Savings Plan \$ 2,376,852 \$ 2,425,777 59857

5DC 095-604 Banking Products \$ 1,631,283 \$ 1,648,123 59858

5P3 095-602 Variable College \$ 2,031,354 \$ 2,063,596 59859

Savings Fund

645 095-601 Operating Expenses	\$	872,086	\$	881,169	59860
TOTAL SSR State Special Revenue					59861
Fund Group	\$	6,911,575	\$	7,018,665	59862
TOTAL ALL BUDGET FUND GROUPS	\$	6,911,575	\$	7,018,665	59863

Section 413.10. OVH OHIO VETERANS' HOME 59865

General Revenue Fund					59866
GRF 430-100 Personal Services	\$	22,985,261	\$	24,303,903	59867
GRF 430-200 Maintenance	\$	7,835,544	\$	8,458,613	59868
GRF 430-402 Hall of Fame	\$	125,000	\$	125,000	59869
TOTAL GRF General Revenue Fund	\$	30,945,805	\$	32,887,516	59870
General Services Fund Group					59871
484 430-603 Veterans Home Services	\$	375,880	\$	375,880	59872
TOTAL GSF General Services Fund	\$	375,880	\$	375,880	59873
Group					

Federal Special Revenue Fund Group					59874
3BX 430-609 Medicare Services	\$	1,446,807		1,446,807	59875
3L2 430-601 Veterans Home	\$	15,290,320	\$	15,410,471	59876
Operations - Federal					
TOTAL FED Federal Special Revenue					59877
Fund Group	\$	16,737,127	\$	16,857,278	59878
State Special Revenue Fund Group					59879
4E2 430-602 Veterans Home	\$	8,530,800	\$	8,530,800	59880
Operating					
604 430-604 Veterans Home	\$	770,096	\$	770,096	59881
Improvement					
TOTAL SSR State Special Revenue					59882
Fund Group	\$	9,300,896	\$	9,300,896	59883
TOTAL ALL BUDGET FUND GROUPS	\$	57,359,708	\$	59,421,570	59884

Section 415.10. VET VETERANS' ORGANIZATIONS 59886

General Revenue Fund					59887
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	VAP AMERICAN EX-PRISONERS OF WAR				59888	
GRF 743-501	State Support	\$	25,030	\$	25,030	59889
	VAN ARMY AND NAVY UNION, USA, INC.				59890	
GRF 746-501	State Support	\$	55,012	\$	55,012	59891
	VKW KOREAN WAR VETERANS				59892	
GRF 747-501	State Support	\$	49,453	\$	49,453	59893
	VJW JEWISH WAR VETERANS				59894	
GRF 748-501	State Support	\$	29,715	\$	29,715	59895
	VCW CATHOLIC WAR VETERANS				59896	
GRF 749-501	State Support	\$	57,990	\$	57,990	59897
	VPH MILITARY ORDER OF THE PURPLE HEART				59898	
GRF 750-501	State Support	\$	56,377	\$	56,377	59899
	VVV VIETNAM VETERANS OF AMERICA				59900	
GRF 751-501	State Support	\$	185,954	\$	185,954	59901
	VAL AMERICAN LEGION OF OHIO				59902	
GRF 752-501	State Support	\$	302,328	\$	302,328	59903
	VII AMVETS				59904	
GRF 753-501	State Support	\$	287,919	\$	287,919	59905
	VAV DISABLED AMERICAN VETERANS				59906	
GRF 754-501	State Support	\$	216,308	\$	216,308	59907
	VMC MARINE CORPS LEAGUE				59908	
GRF 756-501	State Support	\$	115,972	\$	115,972	59909
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION				59910	
GRF 757-501	State Support	\$	5,946	\$	5,946	59911
	VFW VETERANS OF FOREIGN WARS				59912	
GRF 758-501	State Support	\$	246,615	\$	246,615	59913
TOTAL GRF	General Revenue Fund	\$	1,634,619	\$	1,634,619	59914
TOTAL ALL BUDGET FUND GROUPS		\$	1,634,619	\$	1,634,619	59915
	RELEASE OF FUNDS				59916	
	The foregoing appropriation items 743-501, 746-501, 747-501,				59917	
	748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501,				59918	
	756-501, 757-501, and 758-501, State Support, shall be released				59919	
	upon approval by the Director of Budget and Management.				59920	

CENTRAL OHIO UNITED SERVICES ORGANIZATION	59921
Of the foregoing appropriation item 751-501, State Support,	59922
Vietnam Veterans of America, \$50,000 in each fiscal year shall be	59923
used to support the activities of the Central Ohio USO.	59924
VAL AMERICAN LEGION OF OHIO	59925
Of the foregoing appropriation item 752-501, State Support,	59926
VAL American Legion, at least \$50,000 in each fiscal year shall be	59927
used to fund service officer expenses.	59928
VETERANS SERVICE COMMISSION EDUCATION	59929
Of the foregoing appropriation item 753-501, State Support,	59930
AMVETS, up to \$20,000 in each fiscal year may be used to provide	59931
moneys to the Association of County Veterans Service Commissioners	59932
to reimburse its member county veterans service commissions for	59933
costs incurred in carrying out educational and outreach duties	59934
required under divisions (E) and (F) of section 5901.03 of the	59935
Revised Code. The Director of Budget and Management shall release	59936
these funds upon the presentation of an itemized receipt, approved	59937
by the Governor's Office of Veterans Affairs, from the association	59938
for reasonable and appropriate expenses incurred while performing	59939
these duties. The association shall establish uniform procedures	59940
for reimbursing member commissions.	59941
VII AMVETS	59942
Of the foregoing appropriation item 753-501, State Support,	59943
AMVETS, at least \$50,000 shall be used in each fiscal year to fund	59944
service officer expenses.	59945
VAV DISABLED AMERICAN VETERANS	59946
Of the foregoing appropriation item 754-501, State Support,	59947
VAV Disabled American Veterans, at least \$50,000 in each fiscal	59948
year shall be used to fund service officer expenses.	59949
VMC MARINE CORPS LEAGUE	59950

Of the foregoing appropriation item 756-501, State Support, 59951
VMC Marine Corps League, at least \$30,000 in each fiscal year 59952
shall be used to fund service officer expenses. 59953

VFW VETERANS OF FOREIGN WARS 59954

Of the foregoing appropriation item 758-501, State Support, 59955
VFW Veterans of Foreign Wars, at least \$50,000 in each fiscal year 59956
shall be used to fund service officer expenses. 59957

Section 417.10. DVM STATE VETERINARY MEDICAL BOARD 59958

General Services Fund Group 59959
4K9 888-609 Operating Expenses \$ 322,740 \$ 327,312 59960
TOTAL GSF General Services 59961
Fund Group \$ 322,740 \$ 327,312 59962
TOTAL ALL BUDGET FUND GROUPS \$ 322,740 \$ 327,312 59963

Section 419.10. DYS DEPARTMENT OF YOUTH SERVICES 59965

General Revenue Fund 59966
GRF 470-401 RECLAIM Ohio \$ 186,338,297 \$ 190,599,131 59967
GRF 470-412 Lease Rental Payments \$ 24,207,700 \$ 24,208,700 59968
GRF 470-510 Youth Services \$ 18,558,587 \$ 18,558,587 59969
GRF 472-321 Parole Operations \$ 15,356,904 \$ 15,764,729 59970
GRF 477-321 Administrative \$ 14,754,420 \$ 14,754,419 59971
Operations
TOTAL GRF General Revenue Fund \$ 259,215,908 \$ 263,885,566 59972
General Services Fund Group 59973
175 470-613 Education \$ 9,985,035 \$ 10,550,725 59974
Reimbursement
4A2 470-602 Child Support \$ 328,657 \$ 328,657 59975
4G6 470-605 General Operational \$ 49,713 \$ 50,955 59976
Funds
4G6 470-631 SCALE Program \$ 100,000 \$ 100,000 59977

479	470-609	Employee Food Service	\$	137,666	\$	137,666	59978
5BN	470-629	E-Rate Program	\$	200,000	\$	200,000	59979
TOTAL GSF General Services							59980
Fund Group			\$	10,801,071	\$	11,368,003	59981
Federal Special Revenue Fund Group							59982
3BH	470-630	Federal Juvenile Programs FFY 06	\$	100,000	\$	50,000	59983
3BT	470-634	Federal Juvenile Programs	\$	300,000	\$	50,000	59984
3BY	470-635	Federal Juvenile Programs FFY 07	\$	903,350	\$	350,000	59985
3BZ	470-636	Federal Juvenile Programs FFY 08	\$	0	\$	653,350	59986
3V5	470-604	Juvenile Justice/Delinquency Prevention	\$	2,750,000	\$	2,750,000	59987
3Z9	470-626	Federal Juvenile Programs FFY 05	\$	142,253	\$	0	59988
321	470-601	Education	\$	5,202,160	\$	5,473,109	59989
321	470-603	Juvenile Justice Prevention	\$	51,000	\$	30,000	59990
321	470-606	Nutrition	\$	2,908,369	\$	2,981,078	59991
321	470-610	Rehabilitation Programs	\$	36,000	\$	36,000	59992
321	470-614	Title IV-E Reimbursements	\$	6,162,670	\$	6,316,737	59993
321	470-617	Americorps Programs	\$	463,700	\$	463,700	59994
321	470-633	Project Re-entry	\$	1,017,843	\$	1,017,843	59995
TOTAL FED Federal Special Revenue							59996
Fund Group			\$	20,037,345	\$	20,171,817	59997
State Special Revenue Fund Group							59998
147	470-612	Vocational Education	\$	2,074,710	\$	2,141,823	59999

5BH 470-628 Partnerships for	\$	1,500,000	\$	1,500,000	60000
Success					
TOTAL SSR State Special Revenue					60001
Fund Group	\$	3,574,710	\$	3,641,823	60002
TOTAL ALL BUDGET FUND GROUPS	\$	293,629,034	\$	299,067,209	60003
RECLAIM OHIO					60004
Of the foregoing appropriation item 470-401, RECLAIM Ohio,					60005
\$25,000 in each fiscal year shall be distributed directly to the					60006
Lighthouse Youth Services Wrap-Around Program.					60007
OHIO BUILDING AUTHORITY LEASE PAYMENTS					60008
The foregoing appropriation item 470-412, Lease Rental					60009
Payments, in the Department of Youth Services, shall be used to					60010
meet all payments to the Ohio Building Authority for the period					60011
from July 1, 2007, to June 30, 2009, under the leases and					60012
agreements for facilities made under Chapter 152. of the Revised					60013
Code. This appropriation is the source of funds pledged for bond					60014
service charges on related obligations issued pursuant to Chapter					60015
152. of the Revised Code.					60016
EDUCATION REIMBURSEMENT					60017
The foregoing appropriation item 470-613, Education					60018
Reimbursement, shall be used to fund the operating expenses of					60019
providing educational services to youth supervised by the					60020
Department of Youth Services. Operating expenses include, but are					60021
not limited to, teachers' salaries, maintenance costs, and					60022
educational equipment. This appropriation item may be used for					60023
capital expenses related to the education program.					60024
EMPLOYEE FOOD SERVICE AND EQUIPMENT					60025
Notwithstanding section 125.14 of the Revised Code, the					60026
foregoing appropriation item 470-609, Employee Food Service, may					60027
be used to purchase any food operational items with funds received					60028
into the fund from reimbursement for state surplus property.					60029

Section 503.03. PERSONAL SERVICE EXPENSES 60030

Unless otherwise prohibited by law, any appropriation from 60031
which personal service expenses are paid shall bear the employer's 60032
share of public employees' retirement, workers' compensation, 60033
disabled workers' relief, and all group insurance programs; the 60034
costs of centralized accounting, centralized payroll processing, 60035
and related personnel reports and services; the cost of the Office 60036
of Collective Bargaining; the cost of the Personnel Board of 60037
Review; the cost of the Employee Assistance Program; the cost of 60038
the affirmative action and equal employment opportunity programs 60039
administered by the Department of Administrative Services; the 60040
costs of interagency information management infrastructure; and 60041
the cost of administering the state employee merit system as 60042
required by section 124.07 of the Revised Code. These costs shall 60043
be determined in conformity with the appropriate sections of law 60044
and paid in accordance with procedures specified by the Office of 60045
Budget and Management. Expenditures from appropriation item 60046
070-601, Public Audit Expense - Local Government, in Fund 422 may 60047
be exempted from the requirements of this section. 60048

Section 503.06. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 60049
AGAINST THE STATE 60050

Except as otherwise provided in this section, an 60051
appropriation in this act or any other act may be used for the 60052
purpose of satisfying judgments, settlements, or administrative 60053
awards ordered or approved by the Court of Claims or by any other 60054
court of competent jurisdiction in connection with civil actions 60055
against the state. This authorization does not apply to 60056
appropriations to be applied to or used for payment of guarantees 60057
by or on behalf of the state, or for payments under lease 60058
agreements relating to, or debt service on, bonds, notes, or other 60059
obligations of the state. Notwithstanding any other statute to the 60060

contrary, this authorization includes appropriations from funds 60061
into which proceeds of direct obligations of the state are 60062
deposited only to the extent that the judgment, settlement, or 60063
administrative award is for, or represents, capital costs for 60064
which the appropriation may otherwise be used and is consistent 60065
with the purpose for which any related obligations were issued or 60066
entered into. Nothing contained in this section is intended to 60067
subject the state to suit in any forum in which it is not 60068
otherwise subject to suit, and is not intended to waive or 60069
compromise any defense or right available to the state in any suit 60070
against it. 60071

Section 503.09. CAPITAL PROJECT SETTLEMENTS 60072

This section specifies an additional and supplemental 60073
procedure to provide for payments of judgments and settlements if 60074
the Director of Budget and Management determines, pursuant to 60075
division (C)(4) of section 2743.19 of the Revised Code, that 60076
sufficient unencumbered moneys do not exist in the particular 60077
appropriation to pay the amount of a final judgment rendered 60078
against the state or a state agency, including the settlement of a 60079
claim approved by a court, in an action upon and arising out of a 60080
contractual obligation for the construction or improvement of a 60081
capital facility if the costs under the contract were payable in 60082
whole or in part from a state capital projects appropriation. In 60083
such a case, the director may either proceed pursuant to division 60084
(C)(4) of section 2743.19 of the Revised Code or apply to the 60085
Controlling Board to increase an appropriation or create an 60086
appropriation out of any unencumbered moneys in the state treasury 60087
to the credit of the capital projects fund from which the initial 60088
state appropriation was made. The Controlling Board may approve or 60089
disapprove the application as submitted or modified. The amount of 60090
an increase in appropriation or new appropriation specified in an 60091
application approved by the Controlling Board is hereby 60092

appropriated from the applicable capital projects fund and made 60093
available for the payment of the judgment or settlement. 60094

If the director does not make the application authorized by 60095
this section or the Controlling Board disapproves the application, 60096
and the director does not make application under division (C)(4) 60097
of section 2743.19 of the Revised Code, the director shall for the 60098
purpose of making that payment make a request to the General 60099
Assembly as provided for in division (C)(5) of that section. 60100

Section 503.12. RE-ISSUANCE OF VOIDED WARRANTS 60101

In order to provide funds for the reissuance of voided 60102
warrants under section 117.47 of the Revised Code, there is hereby 60103
appropriated, out of moneys in the state treasury from the fund 60104
credited as provided in section 117.47 of the Revised Code, that 60105
amount sufficient to pay such warrants when approved by the Office 60106
of Budget and Management. 60107

Section 503.15. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 60108
BALANCES OF OPERATING APPROPRIATIONS 60109

An unexpended balance of an operating appropriation or 60110
reappropriation that a state agency lawfully encumbered prior to 60111
the close of a fiscal year is reappropriated on the first day of 60112
July of the following fiscal year from the fund from which it was 60113
originally appropriated or reappropriated for the following period 60114
and shall remain available only for the purpose of discharging the 60115
encumbrance: 60116

(A) For an encumbrance for personal services, maintenance, 60117
equipment, or items for resale, other than an encumbrance for an 60118
item of special order manufacture not available on term contract 60119
or in the open market or for reclamation of land or oil and gas 60120
wells for a period of not more than five months from the end of 60121
the fiscal year; 60122

(B) For an encumbrance for an item of special order 60123
manufacture not available on term contract or in the open market, 60124
for a period of not more than five months from the end of the 60125
fiscal year or, with the written approval of the Director of 60126
Budget and Management, for a period of not more than twelve months 60127
from the end of the fiscal year; 60128

(C) For an encumbrance for reclamation of land or oil and gas 60129
wells, for a period ending when the encumbered appropriation is 60130
expended or for a period of two years, whichever is less; 60131

(D) For an encumbrance for any other expense, for such period 60132
as the director approves, provided such period does not exceed two 60133
years. 60134

Any operating appropriations for which unexpended balances 60135
are reappropriated beyond a five-month period from the end of the 60136
fiscal year by division (B) of this section shall be reported to 60137
the Controlling Board by the Director of Budget and Management by 60138
the thirty-first day of December of each year. The report on each 60139
such item shall include the item, the cost of the item, and the 60140
name of the vendor. The report shall be updated on a quarterly 60141
basis for encumbrances remaining open. 60142

Upon the expiration of the reappropriation period set out in 60143
divisions (A), (B), (C), or (D) of this section, a reappropriation 60144
made by this section lapses, and the Director of Budget and 60145
Management shall cancel the encumbrance of the unexpended 60146
reappropriation not later than the end of the weekend following 60147
the expiration of the reappropriation period. 60148

Notwithstanding the preceding paragraph, with the approval of 60149
the Director of Budget and Management, an unexpended balance of an 60150
encumbrance that was reappropriated on the first day of July by 60151
this section for a period specified in division (C) or (D) of this 60152
section and that remains encumbered at the close of the fiscal 60153

biennium is hereby reappropriated on the first day of July of the 60154
following fiscal biennium from the fund from which it was 60155
originally appropriated or reappropriated for the applicable 60156
period specified in division (C) or (D) of this section and shall 60157
remain available only for the purpose of discharging the 60158
encumbrance. 60159

The Director of Budget and Management may correct accounting 60160
errors committed by the staff of the Office of Budget and 60161
Management, such as re-establishing encumbrances or appropriations 60162
cancelled in error, during the cancellation of operating 60163
encumbrances in November and of nonoperating encumbrances in 60164
December. 60165

If the Controlling Board approved a purchase, that approval 60166
remains in effect so long as the appropriation used to make that 60167
purchase remains encumbered. 60168

Section 503.18. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 60169
RE-ESTABLISHMENT OF ENCUMBRANCES 60170

Any cash transferred by the Director of Budget and Management 60171
under section 126.15 of the Revised Code is hereby appropriated. 60172
Any amounts necessary to re-establish appropriations or 60173
encumbrances under section 126.15 of the Revised Code are hereby 60174
appropriated. 60175

Section 503.21. INCOME TAX DISTRIBUTION TO COUNTIES 60176

There are hereby appropriated out of any moneys in the state 60177
treasury to the credit of the General Revenue Fund, which are not 60178
otherwise appropriated, funds sufficient to make any payment 60179
required by division (B)(2) of section 5747.03 of the Revised 60180
Code. 60181

Section 503.24. EXPENDITURES AND APPROPRIATION INCREASES 60182

APPROVED BY THE CONTROLLING BOARD 60183

Any money that the Controlling Board approves for expenditure 60184
or any increase in appropriation authority that the Controlling 60185
Board approves under sections 127.14, 131.35, and 131.39 of the 60186
Revised Code or any other provision of law is hereby appropriated 60187
for the period ending June 30, 2009. 60188

Section 503.27. FUNDS RECEIVED FOR USE OF GOVERNOR'S 60189
RESIDENCE 60190

If the Governor's Residence Fund (Fund 4H2) receives payment 60191
for use of the residence pursuant to section 107.40 of the Revised 60192
Code, the amounts so received are hereby appropriated to 60193
appropriation item 100-604, Governor's Residence Gift. 60194

Section 506.03. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 60195

The maximum amounts that may be assessed against nuclear 60196
electric utilities under division (B)(2) of section 4937.05 of the 60197
Revised Code are as follows: 60198

	FY 2008	FY 2009	
Department of Agriculture			60199
Fund 4E4 Utility Radiological Safety	\$73,059	\$73,059	60200
Department of Health			60201
Fund 610 Radiation Emergency Response	\$850,000	\$850,000	60202
Environmental Protection Agency			60203
Fund 644 ER Radiological Safety	\$286,114	\$286,114	60204
Emergency Management Agency			60205
Fund 657 Utility Radiological Safety	\$1,260,000	\$1,260,000	60206

Section 512.03. TRANSFERS TO THE GENERAL REVENUE FUND FROM 60208
NON-GRF FUNDS 60209

Notwithstanding any other provision of law to the contrary, 60210

during fiscal years 2008 and 2009, the Director of Budget and Management is hereby authorized to transfer cash from non-General Revenue Fund funds that are not constitutionally restricted to the General Revenue Fund. The total amount of cash transfers made pursuant to this section to the General Revenue Fund during fiscal years 2008 and 2009 shall not exceed \$70,000,000.

Section 512.06. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED

Notwithstanding any provision of Ohio law to the contrary, the Director of Budget and Management, through June 30, 2009, may transfer interest earned by any fund in the Central Accounting System to the General Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Constitution of this state, federal tax law, or the "Cash Management Improvement Act of 1990" 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended.

Section 512.09. CORPORATE AND UCC FILING FUND TRANSFER TO GRF

Not later than the first day of June in each year of the biennium, the Director of Budget and Management shall transfer \$500,000 from the Corporate and Uniform Commercial Code Filing Fund to the General Revenue Fund.

Section 512.21. GRF TRANSFER TO FUND 5N4, OAKS PROJECT IMPLEMENTATION

On July 1, 2007, or as soon thereafter as possible, the Director of Budget and Management shall transfer an amount not to exceed \$2,200,725 in cash from the General Revenue Fund to Fund 5N4, OAKS Project Implementation. On July 1, 2008, or as soon thereafter as possible, the Director of Budget and Management shall transfer an amount not to exceed \$2,092,779 in cash from the

General Revenue Fund to Fund 5N4, OAKS Project Implementation. 60240

Section 512.31. TEMPORARY TRANSFER TO THE OAKS SUPPORT ORGANIZATION FUND 60241
60242

Notwithstanding any provision of law to the contrary, in 60243
fiscal year 2008, the Director of Budget and Management may 60244
transfer an amount not to exceed \$1,000,000 in cash from the Human 60245
Resources Services Fund (Fund 125) to the OAKS Support 60246
Organization Fund (Fund 5EB). These amounts shall support the 60247
establishment of the OAKS Support Organization. Amounts 60248
transferred to the OAKS Support Organization Fund and interest 60249
earnings on these amounts transferred during fiscal year 2008 60250
shall be returned to the Human Resources Services Fund not later 60251
than January 1, 2008. Upon certification of the total amount 60252
transferred from Fund 125 to Fund 5EB, the Director of Budget and 60253
Management shall transfer cash in the amount certified from Fund 60254
5EB to Fund 125. 60255

Section 512.34. TRANSFER FROM EDUCATION FACILITIES ENDOWMENT FUND 60256
60257

Notwithstanding division (G) of section 183.27 of the Revised 60258
Code, the Director of Budget and Management shall transfer 60259
\$40,000,000 cash in fiscal year 2007 from the Education Facilities 60260
Endowment Fund (Fund P87) to the Public School Building Fund (Fund 60261
021). The amounts transferred are hereby appropriated to the Ohio 60262
School Facilities Commission for the purposes of appropriation 60263
item CAP-622, Public School Buildings. 60264

Section 512.37. TRANSFER TO ENERGY STRATEGY DEVELOPMENT FUND 60265

On July 1, 2007, and on July 1, 2008, or as soon thereafter 60266
as possible, the Director of Budget and Management may transfer 60267
cash from the funds specified below, in the amount specified 60268

below, to the Energy Strategy Development Fund, which is hereby
created in the state treasury. The fund may accept contributions
and transfers made to the fund. The funds shall be used to develop
energy initiatives, projects, and policy.

<u>Agency</u>	<u>Fund</u>	<u>FY 2008</u>	<u>FY 2009</u>	
Department of Administrative Services	117	\$35,000	\$35,000	60274
Department of Agriculture	3J4	\$35,000	\$35,000	60275
Department of Development	4H4	\$32,447	\$0	60276
Department of Development	135	\$0	\$35,000	60277
Environmental Protection Agency	219	\$35,000	\$35,000	60278
Department of Natural Resources	157	\$35,000	\$35,000	60279
Department of Transportation	002	\$50,000	\$50,000	60280

Section 512.41. For purposes of sections 109.93, 111.18, and
173.85 of the Revised Code, as amended by this act, the Director
of Budget and Management, in collaboration with the Treasurer of
State, may take any action necessary to establish funds in the
state treasury that were previously held in the custody of the
Treasurer of State, including, but not limited to, the transfer of
cash from the custodial funds to the state treasury and the
establishment of appropriations and encumbrances to support
outstanding obligations. The amounts necessary to support
outstanding obligations are hereby appropriated. Agencies may
request additional appropriation authority from the Controlling
Board as necessary.

Section 515.03. TRANSFER OF OFFICE OF INFORMATION TECHNOLOGY
TO OFFICE OF BUDGET AND MANAGEMENT

(A) Effective July 1, 2007, the State Chief Information
Officer shall report to the Director of Budget and Management. All
actions of the State Chief Information Officer thereafter shall be
subject to the approval of the Director of Budget and Management.

The State Chief Information Officer shall continue to perform all the duties, powers, and obligations of the State Chief Information Officer and the Office of Information Technology provided for by law. To allow for the administrative reorganization and program transfer, the operation of the Office of Information Technology shall remain within the Department of Administrative Services through June 30, 2008. Notwithstanding any section of the Revised Code, funds appropriated in this act to the Department of Administrative Services for the Office of Information Technology and the employees and assets of the Office of Information Technology in the Department shall be used by the Department as directed by the State Chief Information Officer for the continued operation of the Office of Information Technology. Effective July 1, 2008, the operations of the Office of Information Technology in the Department of Administrative Services cease.

(B) Employees of the Office of Information Technology in the Department of Administrative Services shall be transferred to the Office of Budget and Management. The State Chief Information Officer and the Directors of Administrative Services and the Office of Budget and Management may identify employees of the Department of Administrative Services who provide administrative support to the Office of Information Technology and who shall be transferred to the Office of Budget and Management. Both of these transfers shall take effect on the first day of the first pay period for fiscal year 2009 and are subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code.

(C) Effective July 1, 2008, all funding, assets, and records of the Office of Information Technology in the Department of Administrative Services shall be transferred to the Office of Budget and Management.

(D) Any matter commenced but not completed by the Office of Information Technology in the Department of Administrative

Services on July 1, 2008, shall be completed by the Office of 60331
Information Technology in the Office of Budget and Management, as 60332
appropriate, in the same manner, and with the same effect, as if 60333
completed by the Office of Information Technology in the 60334
Department of Administrative Services. Any validation, cure, 60335
right, privilege, remedy, obligation, or liability of the Office 60336
of Information Technology is not lost or impaired by reason of the 60337
transfer and shall be administered by the State Chief Information 60338
Officer and Office of Information Technology in the Office of 60339
Budget and Management. 60340

(E) All rules, orders, policies, directives, and 60341
determinations of the State Chief Information Officer and the 60342
Office of Information Technology in the Department of 60343
Administrative Services continue in effect as rules, orders, 60344
policies, directives, and determinations of the State Chief 60345
Information Officer and the Office of Information Technology in 60346
the Office of Budget and Management until modified or rescinded by 60347
the Officer, Office, or the Director of Budget and Management. At 60348
the request of the State Chief Information Officer or the Director 60349
of Budget and Management, and if necessary to ensure the integrity 60350
of the numbering of the Administrative Code, the Director of the 60351
Legislative Service Commission shall renumber rules of the Office 60352
of Information Technology to reflect the transfer to the Office of 60353
Budget and Management. 60354

(F) Effective July 1, 2008, whenever the Department of 60355
Administrative Services, the Office of Information Technology, or 60356
the State Chief Information Officer is referred to in any law, 60357
contract, or other document in relation to statewide information 60358
technology, the reference shall be deemed to refer to the Office 60359
of Budget and Management or the Office of Information Technology 60360
in the Office of Budget and Management. 60361

(G) Effective July 1, 2008, any action or proceeding or 60362

adjudication that is related to the Office of Information 60363
Technology in the Department of Administrative Services and that 60364
is pending shall not be affected by the transfer and shall be 60365
prosecuted or defended in the name of the Director of Budget and 60366
Management or the Office of Budget and Management. In all such 60367
actions and proceedings the Director or the Office, upon 60368
application to the court or agency, shall be substituted as a 60369
party. 60370

(H) On and after July 1, 2008, notwithstanding any provision 60371
of law to the contrary, the Director of Budget and Management is 60372
authorized to take the actions described in this section with 60373
respect to budget changes made necessary by the transfer, 60374
including administrative reorganization, program transfers, the 60375
creation of new funds, the creation of new appropriation items, 60376
and the consolidation of funds as authorized by this act. The 60377
Director may make any transfer of cash balances between funds. At 60378
the request of the Director of Budget and Management, the State 60379
Chief Information Officer shall certify to the Director an 60380
estimate of the amount of the cash balance to be transferred to 60381
the receiving fund. The Director may transfer the estimated amount 60382
when needed to make payments. Not more than thirty days after 60383
certifying the estimated amount, the State Chief Information 60384
Officer shall certify the final amount to the Director. The 60385
Director shall transfer the difference between any amount 60386
previously transferred and the certified final amount. The 60387
Director may cancel encumbrances or parts of encumbrances and 60388
re-establish encumbrances or parts of encumbrances as needed in 60389
the appropriate fund and appropriation item for the same purpose 60390
and to the same vendor. As determined by the Director, the 60391
appropriation authority necessary to re-establish those 60392
encumbrances in a different fund or appropriation item in or 60393
between the Office of Budget and Management and the Department of 60394
Administrative Services is hereby authorized. The Director shall 60395

reduce each year's appropriation balances by the amount of the 60396
encumbrances canceled in their respective funds and appropriation 60397
items. Any fiscal year 2008 unencumbered or unallocated 60398
appropriation balances may be transferred to the appropriate item 60399
to be used for the same purposes, as determined by the Director. 60400

Section 515.06. TRANSFER OF PRINTING SERVICES FROM THE OFFICE 60401
OF INFORMATION TECHNOLOGY 60402

Effective July 1, 2007, or the earliest date thereafter 60403
agreed to by the Director of Budget and Management and the 60404
Director of Administrative Services, the Office of Information 60405
Technology printing office currently located on Integrity Drive in 60406
Columbus shall become part of the Department of Administrative 60407
Services. The functions, assets, and liabilities, including, but 60408
not limited to, records, regardless of form or medium, leases, and 60409
contracts, of the printing office are transferred to the 60410
Department of Administrative Services. The Department of 60411
Administrative Services is thereupon and thereafter successor to, 60412
assumes the obligations of, and otherwise constitutes the 60413
continuation of the printing office. The functions of the printing 60414
office are thereupon and thereafter transferred to the Department 60415
of Administrative Services. 60416

Any business commenced but not completed by the printing 60417
office by the date of the transfer shall be completed by the 60418
Department of Administrative Services, in the same manner, and 60419
with the same effect, as if completed by the printing office. No 60420
validation, cure, right, privilege, remedy, obligation, or 60421
liability is lost or impaired by reason of the transfer and shall 60422
be administered by the Department of Administrative Services. All 60423
the printing office's rules, orders, and determinations continue 60424
in effect as rules, orders, and determinations of the Department 60425
of Administrative Services, until modified or rescinded by the 60426

Department of Administrative Services. If necessary to ensure the integrity of the Administrative Code rule numbering system, the Director of the Legislative Service Commission shall renumber the printing office's rules to reflect their transfer to the Department of Administrative Services.

Employees of the Office of Information Technology designated as staff in the printing office shall be transferred to the Department of Administrative Services. Subject to the layoff provisions of sections 124.321 to 124.328 of the Revised Code, the layoff provisions of the contract between the state and all bargaining units affected, the employees transferred to the Department of Administrative Services retain their positions and all benefits accruing thereto.

No judicial or administrative action or proceeding to which the printing office is a party that is pending on July 1, 2007, or such later date as may be established by the Director of the Office of Information Technology and the Director of Administrative Services, is affected by the transfer of functions. The action or proceeding shall be prosecuted or defended in the name of the Director of Administrative Services. On application to the court or agency, the Director of Administrative Services shall be substituted for the Director of the Office of Information Technology as a party to the action or proceeding.

On and after July 1, 2007, notwithstanding any provision of law to the contrary, the Director of Budget and Management shall take the actions with respect to budget changes made necessary by the transfer, including administrative reorganization, program transfers, the creation of new funds, and the consolidation of funds as authorized by this section. The Director of Budget and Management may cancel encumbrances and re-establish encumbrances or parts of encumbrances as needed in fiscal year 2008 in the appropriate fund and appropriation item for the same purpose and

for payment to the same vendor. The Director of Budget and 60459
Management as determined necessary, may re-establish encumbrances 60460
in fiscal year 2008 in a different fund or appropriation item in 60461
an agency or between agencies. The re-established encumbrances are 60462
hereby appropriated. The Director of Budget and Management shall 60463
reduce each year's appropriation balances by the amount of the 60464
encumbrance canceled in their respective funds and appropriation 60465
items. 60466

Not later than sixty days after the transfer of the printing 60467
office to the Department of Administrative Services, the Director 60468
of the Office of Information Technology shall certify to the 60469
Director of Budget and Management the amount of cash associated 60470
with printing services supported by Fund 133, IT Services Delivery 60471
Fund. Upon receipt of the certification, the Director of Budget 60472
and Management shall transfer cash from Fund 133, IT Services 60473
Delivery Fund, to Fund 210, State Printing Fund. This amount is 60474
hereby appropriated. 60475

Section 515.09. TRANSFER OF MAIL AND FULFILLMENT SERVICES 60476
FROM THE DEPARTMENT OF JOB AND FAMILY SERVICES 60477

Effective July 1, 2007, or the earliest date thereafter 60478
agreed to by the Director of Job and Family Services and the 60479
Director of Administrative Services, the Department of Job and 60480
Family Services mail and fulfillment office, currently located on 60481
Integrity Drive in Columbus shall become part of the Department of 60482
Administrative Services. The functions, assets, and liabilities, 60483
including, but not limited to, records, regardless of form or 60484
medium, leases, and contracts, of the mail and fulfillment office 60485
is transferred to the Department of Administrative Services. The 60486
Department of Administrative Services is thereupon and thereafter 60487
successor to, assumes the obligations of, and otherwise 60488
constitutes the continuation of the mail and fulfillment office. 60489

The functions of the mail and fulfillment office are thereupon and 60490
thereafter transferred to the Department of Administrative 60491
Services. 60492

Any business commenced but not completed by the mail and 60493
fulfillment office by the date of transfer shall be completed by 60494
the Department of Administrative Services, in the same manner, and 60495
with the same effect, as if completed by the mail and fulfillment 60496
office. No validation, cure, right, privilege, remedy, obligation, 60497
or liability is lost or impaired by reason of the transfer and 60498
shall be administered by the Department of Administrative 60499
Services. All of the mail and fulfillment office's rules, orders, 60500
and determinations continue in effect as rules, orders, and 60501
determinations of the Department of Administrative Services, until 60502
modified or rescinded by the Department of Administrative 60503
Services. If necessary to ensure the integrity of the 60504
Administrative Code rule numbering system, the Director of the 60505
Legislative Service Commission shall renumber the mail and 60506
fulfillment office's rules to reflect their transfer to the 60507
Department of Administrative Services. 60508

Employees of the Department of Job and Family Services 60509
designated as staff in the mail and fulfillment office shall be 60510
transferred to the Department of Administrative Services. Subject 60511
to the layoff provisions of sections 124.321 to 124.328 of the 60512
Revised Code, and to provisions of the contract between the state 60513
and all bargaining units affected, the employees transferred to 60514
the Department of Administrative Services retain their positions 60515
and all benefits accruing thereto. 60516

No judicial or administrative action or proceeding to which 60517
the mail and fulfillment office is a party that is pending on July 60518
1, 2007, or such later date as may be established by the Director 60519
of Job and Family Services and the Director of Administrative 60520
Services, is affected by the transfer of functions. The action or 60521

proceeding shall be prosecuted or defended in the name of the 60522
Director of Administrative Services. On application to the court 60523
or agency, the Director of Administrative Services shall be 60524
substituted for the Director of Job and Family Services as a party 60525
to the action or proceeding. 60526

On and after July 1, 2007, notwithstanding any provision of 60527
law to the contrary, the Director of Budget and Management shall 60528
take the actions with respect to budget changes made necessary by 60529
the transfer, including administrative reorganization, program 60530
transfers, the creation of new funds, and the consolidation of 60531
funds as authorized by this section. The Director of Budget and 60532
Management may cancel encumbrances and re-establish encumbrances 60533
or parts of encumbrances as needed in fiscal year 2008 in the 60534
appropriate fund and appropriation item for the same purpose and 60535
for payment to the same vendor. The Director of Budget and 60536
Management, as determined necessary, may re-establish encumbrances 60537
in fiscal year 2008 in a different fund or appropriation item in 60538
an agency or between agencies. The re-established encumbrances are 60539
hereby appropriated. The Director of Budget and Management shall 60540
reduce each year's appropriation balances by the amount of the 60541
encumbrance canceled in their respective funds and appropriation 60542
items. 60543

The Director of Job and Family Services and the Director of 60544
Administrative Services shall enter into an interagency agreement 60545
establishing terms and timetables for the implementation of this 60546
section. The interagency agreement shall include provisions for 60547
credits to the Department of Job and Family Services for prepaid 60548
postage, agreements for the credit, transfer, or reimbursement of 60549
funds to the Department of Job and Family Services to comply with 60550
terms and conditions applicable to federal funds expended by the 60551
department for the purchase, maintenance, and operation of 60552
equipment, agreements for ongoing operations in compliance with 60553

federal requirements applicable to Department of Job and Family Services programs that utilize the mail and fulfillment services, transfer of or sharing of lease agreements, and any other agreements that the Director of Job and Family Services and the Director of Administrative Services determine to be necessary for the successful implementation of this section.

Not later than sixty days after the transfer of the mail and fulfillment office to the Department of Administrative Services, the Director of Job and Family Services shall certify to the Director of Budget and Management the amount of any unexpended balance of appropriations made to the department to support the office. Upon receipt of the certification, the Director of Budget and Management shall transfer the appropriations and cash to Fund 210, State Printing Fund.

Section 518.03. BUDGET ADJUSTMENTS TO REFLECT TOBACCO SECURITIZATION

(A) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management, periodically on any date following the issuance of the tobacco obligations authorized in section 183.51 of the Revised Code and through June 30, 2009, may:

(1) Determine the amount of appropriation items 235-909, Higher Education General Obligation Debt Service, and 230-908, Common Schools General Obligation Debt Service, that are in excess of the amounts needed to pay all debt service and financing costs on those obligations payable from each of those items and transfer all or any portion of that excess appropriation to appropriation item 200-901, Property Tax Allocation-Education, or 110-901, Property Tax Allocation-Taxation, or both together as needed for the purposes of making the state's property tax relief payments to school districts and counties.

(2) Determine the amount by which interest earnings credited 60585
to Fund 034, Higher Education Improvement Fund, and Fund 032, 60586
School Building Program Assistance Fund, from the investment of 60587
the net proceeds of those tobacco obligations exceed the amount 60588
needed to satisfy appropriations from those funds, transfer all or 60589
part of that excess cash balance to the General Revenue Fund, and 60590
increase appropriation item 200-901, Property Tax 60591
Allocation-Education, or 110-901, Property Tax 60592
Allocation-Taxation, or both together, by up to the amount of cash 60593
so transferred to the General Revenue Fund. 60594

(3) Determine the amount of capital appropriation in CAP-770, 60595
School Building Assistance Program, transfer cash to Fund 5E3, 60596
School Facilities Commission, an amount that is necessary to fully 60597
expend the amount of net proceeds deposited into Fund 032, School 60598
Building Program Assistance Fund, from the issuance of those 60599
tobacco obligations and increase the appropriations for CAP-770 60600
and appropriation item 230-644, Operating Expenses-School 60601
Facilities Commission, by the necessary amount. 60602

(4) Determine the amount of additional capital appropriations 60603
necessary to fully expend the amount of net proceeds deposited 60604
from the issuance of those tobacco obligations into Fund 034, 60605
Higher Education Improvement Fund. 60606

(5) Reduce the amount of authorization to issue and sell 60607
general obligations to pay the costs of capital facilities for a 60608
system of common schools throughout the state granted to the Ohio 60609
Public Facilities Commission by prior acts of the General Assembly 60610
to reflect the amount of net proceeds of those tobacco obligations 60611
deposited into Fund 034, Higher Education Improvement Fund, that 60612
are intended to replace general obligations for the purpose. 60613

(6) Reduce the amount of authorization to issue and sell 60614
general obligations to pay the costs of capital facilities for 60615
state-supported and state-assisted institutions of higher 60616

education granted to the Ohio Public Facilities Commission by 60617
prior acts of the General Assembly to reflect the amount of net 60618
proceeds of those tobacco obligations deposited into Fund 034, 60619
Higher Education Improvement Fund, that are intended to replace 60620
general obligations for the purpose. 60621

(B) When any of the determinations, transfers, and increases 60622
or decreases in appropriations and authorizations described in 60623
division (A) of this section have been completed, the Office of 60624
Budget and Management shall make a report to the Controlling Board 60625
at its next regularly scheduled meeting. 60626

Section 518.06. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 60627

Certain appropriations are in this act for the purpose of 60628
paying debt service and financing costs on general obligation 60629
bonds or notes of the state issued pursuant to the Ohio 60630
Constitution and acts of the General Assembly. If it is determined 60631
that additional appropriations are necessary for this purpose, 60632
such amounts are hereby appropriated. 60633

Section 518.09. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 60634
STATE 60635

Certain appropriations are in this act for the purpose of 60636
making lease rental payments pursuant to leases and agreements 60637
relating to bonds or notes issued by the Ohio Building Authority 60638
or the Treasurer of State or, previously, by the Ohio Public 60639
Facilities Commission, pursuant to the Ohio Constitution and acts 60640
of the General Assembly. If it is determined that additional 60641
appropriations are necessary for this purpose, such amounts are 60642
hereby appropriated. 60643

Section 518.12. AUTHORIZATION FOR TREASURER OF STATE AND OBM 60644
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 60645

The Office of Budget and Management shall initiate and process disbursements from general obligation and lease rental payment appropriation items during the period from July 1, 2007, to June 30, 2009, relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 2n, 2o, 2p and 15 of Article VIII, Ohio Constitution, and Chapters 151. and 154. of the Revised Code. Disbursements shall be made upon certification by the Treasurer of State, Office of the Sinking Fund, of the dates and the amounts due on those dates.

Section 521.03. 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 521.06. STATEWIDE INDIRECT COST RECOVERY

Whenever the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to provide for the recovery of statewide indirect costs under section 126.12 of the Revised Code, the amount required for such purpose is hereby appropriated from the available receipts of such fund.

Section 521.07. GRF TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT COST ALLOCATION PLAN

The total transfers made from the General Revenue Fund by the Director of Budget and Management under this section shall not exceed the amounts transferred into the General Revenue Fund under division (B) of section 126.12 of the Revised Code.

The director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation Plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

Section 521.08. FEDERAL GOVERNMENT INTEREST REQUIREMENTS

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.

Section 521.12. 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 60705
re-establish all or part of encumbrances in like amounts within 60706
the funds identified by the plan. The amounts necessary to 60707
re-establish all or part of encumbrances are hereby appropriated. 60708

AUTO EMISSIONS TESTING PROGRAM 60709

On July 1 of each fiscal year or as soon as possible 60710
thereafter the Director of Budget and Management shall transfer 60711
\$14,817,105 for use in fiscal year 2008 and \$15,057,814 for use in 60712
fiscal year 2009 from the Highway Operating Fund (Fund 002) to the 60713
Auto Emissions Test Fund (Fund 5BY) in the budget of the Ohio 60714
Environmental Protection Agency for the operation and costs for 60715
oversight of the auto emissions testing program. This cash 60716
transfer represents Congestion Mitigation and Air Quality (CMAQ) 60717
program moneys within the Department of Transportation for use by 60718
the auto emissions testing program (E-check) by the Ohio 60719
Environmental Protection Agency. The allocation shall not reduce 60720
the total amount of such moneys designated for metropolitan 60721
planning organizations. 60722

Section 521.18. STATE SPECIAL PROJECTS 60723

The foregoing fund, Fund 4F2, State Special Projects, shall 60724
be used for the deposit of private-sector funds from utility 60725
companies and fees assessed under division (A)(14) of section 60726
122.011 of the Revised Code and for the deposit of other 60727
miscellaneous state funds. Private-sector moneys shall be used to: 60728
(1) Pay the expenses of verifying the income-eligibility of HEAP 60729
applicants, (2) Market economic development opportunities in the 60730
state, and (3) Leverage additional federal funds. Fees assessed 60731
under division (A)(14) of section 122.011 of the Revised Code 60732
shall be used to support the Brownfield Revolving Loan Fund 60733
Program. State funds shall be used to market economic development 60734
opportunities in the state. 60735

Section 606.05. That Section 611.03 of Am. Sub. H.B. 66 of 60736
the 126th General Assembly be amended to read as follows: 60737

Sec. 611.03. DELAYED IMPLEMENTATION OF CENTRALIZED PUBLIC 60738
SCHOOL EMPLOYEES' HEALTH CARE BENEFITS SYSTEM 60739

Notwithstanding the amendments made to sections 9.833, 9.90, 60740
3311.19, 3313.12, 3313.202, 3313.33, 4117.03, and 4117.08 of the 60741
Revised Code by ~~this act~~ Am. Sub. H.B. 66 of the 126th General 60742
Assembly and the enactment of section 9.901 of the Revised Code by 60743
~~this~~ that same act, the following amendments to a section or 60744
enactment of provisions shall not take effect unless and until the 60745
General Assembly, by subsequent enactment of law, confirms those 60746
amendments and provisions, orders their implementation, and makes 60747
such other specifications pertaining to that implementation as is 60748
then necessary: 60749

(A) All amendments to sections 9.833, 9.90, 3311.19, 3313.12, 60750
3313.202, 3313.33, 4117.03, and 4117.08 of the Revised Code. 60751

(B) The following provisions of section 9.901 of the Revised 60752
Code as enacted: 60753

(1) Division (A)(1); 60754

(2) The provision that authorizes the soliciting of bids in 60755
division (A)(3); 60756

(3) Division (F), except for the provision that creates the 60757
school employees health care fund in the state treasury; 60758

(4) Division (I)(1); 60759

(5) Division (I)(5); 60760

(6) Division (J), except for the provision that authorizes 60761
the School Employees Health Care Board to contract with the 60762
Department of Administrative Services for central services and 60763
reimburse the Department for such services; 60764

(7) Division (K);	60765
(8) Division (L); and	60766
(9) Division (M).	60767
(C) The provision in Section 203.12.02 of this act <u>Section</u>	60768
<u>207.10.10 of the 127th General Assembly</u> that extends the	60769
duties of the executive director and assistant to <u>necessary staff</u>	60770
<u>of</u> the School Employees Health Care Board to the Public School	60771
Employee Health Insurance Program being proposed for establishment	60772
and the provision requiring the reimbursement of the General	60773
Revenue Fund of \$2,700,000 <u>an amount equal to the total</u>	60774
<u>expenditures made and obligations incurred under appropriation</u>	60775
<u>item 100-403, Public School Employee Benefits,</u> by the School	60776
Employees Health Care Fund pending a future determination of the	60777
sufficiency of premium payments. (<u>Section 207.10.10 of this act</u>	60778
<u>replaces and is successor to Section 203.12.02 of Am. Sub. H.B. 66</u>	60779
<u>of the 126th General Assembly.</u>)	60780
Section 606.06. That existing Section 611.03 of Am. Sub. H.B.	60781
66 of the 126th General Assembly is hereby repealed.	60782
Section 606.11. That Section 235.30 of Am. Sub. H.B. 530 of	60783
the 126th General Assembly, as amended by Sub. H.B. 251 of the	60784
126th General Assembly, be amended to read as follows:	60785
	Reappropriations
Sec. 235.30. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES	60786
CAP-809 Hazardous Substance Abatement \$ 1,609,476	60787
CAP-811 Health/EPA Laboratory Facilities \$ 1,116,354	60788
CAP-822 Americans with Disabilities Act \$ 1,598,416	60789
CAP-826 Office Services Building Renovation \$ 86,483	60790
CAP-827 Statewide Communications System \$ 16,943,803	60791
CAP-834 Capital Project Management System \$ 1,157,600	60792

CAP-835	Energy Conservation Projects	\$	4,490,085	60793
CAP-837	Major Computer Purchases	\$	1,476,068	60794
CAP-838	SOCC Renovations	\$	1,399,122	60795
CAP-844	Hamilton State/Local Government Center - Planning	\$	57,500	60796
CAP-849	Facility Planning and Development	\$	3,492,200	60797
CAP-850	Education Building Renovations	\$	14,649	60798
CAP-852	North High Building Complex Renovations	\$	11,534,496	60799
CAP-855	Office Space Planning	\$	5,274,502	60800
CAP-856	Governor's Residence Security Update	\$	6,433	60801
CAP-859	eSecure Ohio	\$	2,626,921	60802
CAP-860	Structured Cabling	\$	403,518	60803
CAP-864	eGovernment Infrastructure	\$	1,297,400	60804
CAP-865	DAS Building Security	\$	140,852	60805
CAP-866	OH*1 Network	\$	4,000,000	60806
CAP-867	Lausche Building Connector	\$	1,307,200	60807
CAP-868	Riversouth Development	\$	18,500,000	60808
	Total Department of Administrative Services	\$	78,533,078	60809

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 60810

The foregoing appropriation item CAP-809, Hazardous Substance 60811
Abatement, shall be used to fund the removal of asbestos, PCB, 60812
radon gas, and other contamination hazards from state facilities. 60813

Prior to the release of funds for asbestos abatement, the 60814
Department of Administrative Services shall review proposals from 60815
state agencies to use these funds for asbestos abatement projects 60816
based on criteria developed by the Department of Administrative 60817
Services. Upon a determination by the Department of Administrative 60818
Services that the requesting agency cannot fund the asbestos 60819
abatement project or other toxic materials removal through 60820
existing capital and operating appropriations, the Department may 60821
request the release of funds for such projects by the Controlling 60822
Board. State agencies intending to fund asbestos abatement or 60823

other toxic materials removal through existing capital and 60824
operating appropriations shall notify the Director of 60825
Administrative Services of the nature and scope prior to 60826
commencing the project. 60827

Only agencies that have received appropriations for capital 60828
projects from the Administrative Building Fund (Fund 026) are 60829
eligible to receive funding from this item. Public school 60830
districts are not eligible. 60831

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT 60832

The foregoing appropriation item CAP-822, Americans with 60833
Disabilities Act, shall be used to renovate state-owned facilities 60834
to provide access for physically disabled persons in accordance 60835
with Title II of the Americans with Disabilities Act. 60836

Prior to the release of funds for renovation, state agencies 60837
shall perform self-evaluations of state-owned facilities 60838
identifying barriers to access to service. State agencies shall 60839
prioritize access barriers and develop a transition plan for the 60840
removal of these barriers. The Department of Administrative 60841
Services shall review proposals from state agencies to use these 60842
funds for Americans with Disabilities Act renovations. 60843

Only agencies that have received appropriations for capital 60844
projects from the Administrative Building Fund (Fund 026) are 60845
eligible to receive funding from this item. Public school 60846
districts are not eligible. 60847

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 60848

~~There is hereby continued a Multi Agency Radio Communications 60849
System (MARCS) Steering Committee consisting of the designees of 60850
the Directors of the Office of Information Technology, Public 60851
Safety, Natural Resources, Transportation, Rehabilitation and 60852
Correction, and Budget and Management. The Director of the Office 60853
of Information Technology or the Director's designee shall chair 60854~~

~~the Committee. The Committee shall provide assistance to the 60855
Director of the Office of Information Technology for effective and 60856
efficient implementation of the MARCS system as well as develop 60857
policies for the ongoing management of the system. Upon dates 60858
prescribed by the Directors of the Office of Information 60859
Technology and Budget and Management, the MARCS Steering Committee 60860
shall report to the Directors on the progress of MARCS 60861
implementation and the development of policies related to the 60862
system. 60863~~

The foregoing appropriation item CAP-827, Statewide 60864
Communications System, shall be used to purchase or construct the 60865
components of MARCS that are not specific to any one agency. The 60866
equipment may include, but is not limited to, multi-agency 60867
equipment at the Emergency Operations Center/Joint Dispatch 60868
Facility, computer and telecommunication equipment used for the 60869
functioning and integration of the system, communications towers, 60870
tower sites, tower equipment, and linkages among towers and 60871
between towers and the State of Ohio Network for Integrated 60872
Communication (SONIC) system. ~~The Director of the Office of 60873
Information Technology~~ State Chief Information Officer shall, with 60874
the concurrence of the MARCS Steering Committee, determine the 60875
specific use of funds. 60876

The amount reappropriated for the foregoing appropriation 60877
item CAP-827, Statewide Communications System, is the unencumbered 60878
and unallotted balance as of June 30, 2006, in appropriation item 60879
CAP-827, Statewide Communications System, plus \$623,665.11. 60880

Spending from this appropriation item shall not be subject to 60881
Chapters 123. and 153. of the Revised Code. 60882

ENERGY CONSERVATION PROJECTS 60883

The foregoing appropriation item CAP-835, Energy Conservation 60884
Projects, shall be used to perform energy conservation 60885

renovations, including the United States Environmental Protection Agency's Energy Star Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Department of Administrative Services shall review and approve proposals from state agencies to use these funds for energy conservation. Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item.

The amount reappropriated for the foregoing appropriation item CAP-835, Energy Conservation Projects, is the unencumbered and unallotted balance as of June 30, 2006, in appropriation item CAP-835, Energy Conservation Projects, plus \$3,600,000.

NORTH HIGH BUILDING COMPLEX RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-852, North High Building Complex Renovations, is the unencumbered and unallotted balance as of June 30, 2006, in appropriation item CAP-852, North High Building Complex Renovations, plus the sum of the unencumbered and unallotted balance for appropriation item CAP-813, Heer Building Renovation as of June 30, 2006.

Section 606.12. That existing Section 235.30 of Am. Sub. H.B. 530 of the 126th General Assembly, as amended by Sub. H.B. 251 of the 126th General Assembly is hereby repealed.

Section 606.18. That Sections 227.10, 235.20.20, 235.30.70, and 329.10 of Am. Sub. H.B. 699 of the 126th General Assembly be amended to read as follows:

Sec. 227.10. 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), 60915
that are not otherwise appropriated. 60916

Appropriations

AFC CULTURAL FACILITIES COMMISSION 60917

CAP-734	Hayes Center Renov & Repairs	\$	300,000	60918
CAP-745	Renovations and Repairs	\$	850,000	60919
CAP-763	Historic Site Signage	\$	250,000	60920
CAP-770	Serpent Mound Improvements	\$	340,000	60921
CAP-781	Information Technology Project	\$	364,000	60922
CAP-784	Center Rehabilitation	\$	1,035,000	60923
CAP-803	Digitization of Collections	\$	300,000	60924
CAP-809	Exhibit Replace/Orientation	\$	415,000	60925
CAP-910	Collections Facility Planning	\$	1,240,000	60926
CAP-911	W.P. Snyder Restoration	\$	876,000	60927
CAP-912	Lockington Locks Restoration	\$	172,000	60928
CAP-913	Huntington Park	\$	7,000,000	60929
CAP-914	Schuster Center for the Performing Arts	\$	5,500,000	60930
CAP-916	Cincinnati Symphony Orchestra - Riverbend	\$	3,000,000	60931
CAP-917	Marina District Amphitheatre	\$	2,900,000	60932
CAP-918	Cincinnati Museum Center	\$	2,000,000	60933
CAP-919	National Underground Railroad Freedom Center	\$	2,000,000	60934
CAP-920	Cincinnati Sports Facility Improvements	\$	2,000,000	60935
CAP-921	Pro Football Hall of Fame	\$	1,650,000	60936
CAP-922	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,300,000	60937
CAP-923	Western Reserve Historical Society	\$	1,000,000	60938
CAP-925	COSI Columbus	\$	1,000,000	60939
CAP-926	Columbus Museum of Art	\$	1,000,000	60940
CAP-927	Mason ATP Tennis Center	\$	1,300,000	60941
CAP-928	Stan Hywet Hall and Gardens	\$	1,175,000	60942

CAP-929	Akron Art Museum	\$	1,000,000	60943
CAP-930	Sauder Village	\$	830,000	60944
CAP-931	Horvitz Center for the Arts	\$	750,000	60945
CAP-932	Ensemble Theatre	\$	750,000	60946
CAP-933	Voice of America Museum	\$	750,000	60947
CAP-934	Cleveland Steamship Mather	\$	600,000	60948
CAP-935	Cuyahoga County Soldiers' and Sailors Monument	\$	500,000	60949
CAP-936	King-Lincoln Arts & Entertainment District	\$	500,000	60950
CAP-937	Art Academy of Cincinnati	\$	500,000	60951
CAP-938	Great Lakes Historical Society	\$	500,000	60952
CAP-939	McKinley Museum	\$	425,000	60953
CAP-940	Charles A. Eulett Education Center and Appalachian Museum	\$	300,000	60954
CAP-942	Davis Shai Historical Facility	\$	300,000	60955
CAP-943	Massillon Museum	\$	275,000	60956
CAP-944	The Mandel Center	\$	250,000	60957
CAP-945	Worthington Arts Center	\$	250,000	60958
CAP-946	CCAD	\$	250,000	60959
CAP-947	BalletMet	\$	250,000	60960
CAP-948	Stambaugh Hall Improvements	\$	250,000	60961
CAP-949	Youngstown Symphony Orchestra	\$	250,000	60962
CAP-950	Wood County Historical Center & Museum	\$	220,000	60963
CAP-951	Harding Memorial	\$	210,000	60964
CAP-952	Cincinnati Ballet	\$	200,000	60965
CAP-953	City of Avon Stadium Complex	\$	200,000	60966
CAP-954	Renaissance Performing Arts Center	\$	200,000	60967
CAP-956	Oxford Arts Center Historic Renovation	\$	174,000	60968
CAP-957	Wayne County Historical Society - Lincoln Highway	\$	170,000	60969
CAP-958	Maumee Valley Historical Society	\$	150,000	60970
CAP-959	Trumbull County Historical Society	\$	150,000	60971

CAP-960	First Lunar Flight Project	\$	25,000	60972
CAP-961	Holmes County Historical Society Improvements	\$	140,000	60973
CAP-962	Canal Winchester Historical Society	\$	125,000	60974
CAP-963	Ukrainian Museum	\$	100,000	60975
CAP-964	Gordon Square Arts District	\$	100,000	60976
CAP-965	Moreland Theatre Renovation	\$	100,000	60977
CAP-966	Karamu House	\$	100,000	60978
CAP-967	Symmes Township Historical Society - Ross House	\$	100,000	60979
CAP-968	Springfield Veterans Park Amphitheatre	\$	100,000	60980
CAP-969	Gallia County Historical Genealogical Society	\$	100,000	60981
CAP-970	Gallia County French Art Colony	\$	100,000	60982
CAP-971	The Octagon House	\$	100,000	60983
CAP-972	Vinton County Stages - Pavilion Project	\$	100,000	60984
CAP-973	County Line Historical Society (Wayne/Holmes)	\$	100,000	60985
CAP-974	Paul Brown Museum	\$	75,000	60986
CAP-975	The Works - Ohio Center for History, Art and Technology	\$	75,000	60987
CAP-976	Van Wert Historical Society	\$	70,000	60988
CAP-977	Indian Mill Renovations	\$	66,000	60989
CAP-978	Hale Farm & Village	\$	50,000	60990
CAP-979	Howe House Historic Site	\$	50,000	60991
CAP-980	Beavercreek Community Theatre	\$	50,000	60992
CAP-981	Jamestown Opera House	\$	50,000	60993
CAP-982	Johnny Appleseed Museum	\$	50,000	60994
CAP-983	Vinton County Historical Society - Alice's House Project	\$	50,000	60995
CAP-984	Woodward Opera House	\$	50,000	60996
CAP-985	Little Brown Jug Facility Improvements	\$	50,000	60997
CAP-986	Applecreek Historical Society	\$	50,000	60998

CAP-987	Wyandot Historic Building Renovation	\$	50,000	60999
CAP-988	Galion Historic Big Four Depot Restoration	\$	30,000	61000
CAP-989	Bucyrus Historic Depot Renovations	\$	30,000	61001
CAP-990	Myers Historical Stagecoach Inn Renovation	\$	25,000	61002
CAP-991	Arts West Performing Arts Center	\$	25,000	61003
CAP-992	Chester Academy Historic Building	\$	25,000	61004
CAP-993	Portland Civil War Museum and Historic Displays	\$	25,000	61005
CAP-994	Morgan County Historic Opera House	\$	25,000	61006
CAP-996	Crawford Antique Museum	\$	9,000	61007
CAP-997	Monroe City Historical Society Building Repairs	\$	5,000	61008
CAP-998	Wright-Dunbar Historical	\$	250,000	61009
CAP-041	Cleveland Playhouse	\$	200,000	61010
CAP-081	Hip Klotz Memorial Facility Improvements	\$	150,000	61011
CAP-082	Music Hall Garage	\$	1,000,000	61012
CAP-083	AB Graham Center	\$	40,000	61013
CAP-084	Bradford Ohio Railroad Museum Restoration	\$	30,000	61014
CAP-085	WACO Aircraft Museum	\$	30,000	61015
CAP-086	Fort Recovery Renovations	\$	100,000	61016
CAP-087	Columbus Children's Hospital Amphitheater	\$	1,000,000	61017
	Total Cultural Facilities Commission	\$	55,296,000	61018
	TOTAL Cultural and Sports Facilities Building Fund	\$	55,296,000	61019

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 61020

The Executive Director of the Cultural Facilities Commission 61021
shall certify to the Director of Budget and Management the amount 61022
of cash receipts and related investment income, irrevocable 61023
letters of credit from a bank, or certification of the 61024
availability of funds that have been received from a county or a 61025

municipal corporation for deposit into the Capital Donations Fund 61026
and are related to an anticipated project. These amounts are 61027
hereby appropriated to appropriation item CAP-702, Capital 61028
Donations. Prior to certifying these amounts to the Director, the 61029
Executive Director shall make a written agreement with the 61030
participating entity on the necessary cash flows required for the 61031
anticipated construction or equipment acquisition project. 61032

Appropriations

Sec. 235.20.20. CLS CLEVELAND STATE UNIVERSITY			61033
CAP-023	Basic Renovations	\$ 3,796,031	61034
CAP-125	College of Education	\$ 10,115,719	61035
CAP-148	Cleveland Institute of Art	\$ 1,000,000	61036
CAP-163	Anthropology Department	\$ 400,000	61037
	Renovations/Relocation		
CAP-164	Chester Building Annex Demolition	\$ 921,583	61038
CAP-165	Bakers Building Renovations	\$ 1,328,583	61039
CAP-166	Playhouse Square Center — Hanna Theatre	\$ 750,000	61040
CAP-167	Cleveland State University Windtower	\$ 400,000	61041
	Generator Project		
CAP-168	Kenston Wind Turbine Project in Geauga	\$ 300,000	61042
	(CSU Engineering Department)		
CAP-169	Cleveland Museum of Art	\$ 3,000,000	61043
Total Cleveland State University		\$ <u>22,011,916</u>	61044
		<u>18,261,916</u>	

Appropriations

Sec. 235.30.70. CCC CUYAHOGA COMMUNITY COLLEGE			61046
CAP-031	Basic Renovations	\$ 3,866,782	61047
CAP-095	Collegewide Asset Protection and	\$ 2,411,797	61048
	Building Codes Upgrade		
CAP-099	Hospitality Management Program	\$ 4,000,000	61049
CAP-100	Theater/Auditorium Renovations	\$ 4,036,552	61050

CAP-101	Nursing Clinical Simulation Center	\$	250,000	61051
CAP-102	Rock and Roll Hall of Fame Archives	\$	200,000	61052
<u>CAP-166</u>	<u>Playhouse Square Center - Hanna Theatre</u>	\$	<u>750,000</u>	61053
<u>CAP-169</u>	<u>Cleveland Museum of Art</u>	\$	<u>3,000,000</u>	61054
Total Cuyahoga Community College		\$	14,765,131	61055
			<u>18,515,131</u>	

Sec. 329.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 61057

The Ohio Administrative Knowledge System (OAKS) shall be an 61058
 enterprise resource planning system that replaces the state's 61059
 central services infrastructure systems, including the Central 61060
 Accounting System, the Human Resources/Payroll System, the Capital 61061
 Improvements Projects Tracking System, the Fixed Assets Management 61062
 System, and the Procurement System. The ~~Department of~~ 61063
~~Administrative Services, in conjunction with the Office of Budget~~ 61064
~~and Management, Office of Information Technology~~ may acquire the 61065
 system, including, but not limited to, the enterprise resource 61066
 planning software and installation and implementation thereof 61067
 pursuant to Chapter 125. of the Revised Code. Any lease-purchase 61068
 arrangement utilized under Chapter 125. of the Revised Code, 61069
 including any fractionalized interest therein as defined in 61070
 division (N) of section 133.01 of the Revised Code, shall provide 61071
 at the end of the lease period that OAKS shall become the property 61072
 of the state. 61073

Section 606.19. That existing Sections 227.10, 235.20.20, 61074
 235.30.70, and 329.10 of Am. Sub. H.B. 699 of the 126th General 61075
 Assembly are hereby repealed. 61076

***Section 609.05.** That Section 4 of Am. Sub. H.B. 516 of the 61077
 125th General Assembly, as amended by both Am. Sub. H.B. 66 and 61078
 Sub. S.B. 124 of the 126th General Assembly, be amended to read as 61079
 follows: 61080

Sec. 4. The following agencies shall be retained pursuant to		61081
division (D) of section 101.83 of the Revised Code and shall		61082
expire on December 31, 2010:		61083
	REVISED CODE	61084
	OR	
	UNCODIFIED	61085
AGENCY NAME	SECTION	61086
Administrator, Interstate Compact on Mental Health	5119.50	61087
Administrator, Interstate Compact on Placement of Children	5103.20	61088 61089
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	61090
Advisory Boards to the EPA for Air Pollution	121.13	61091
Advisory Boards to the EPA for Water Pollution	121.13	61092
Advisory Committee of the State Veterinary Medical Licensing Board	4741.03(D)(3)	61093
Advisory Committee on Livestock Exhibitions	901.71	61094
Advisory Council on Amusement Ride Safety	1711.51	61095
Advisory Board of Directors for Prison Labor	5145.162	61096
Advisory Council for Each Wild, Scenic, or Recreational River Area	1517.18	61097
Advisory Councils or Boards for State Departments	107.18 or 121.13	61098
Advisory Group to the Ohio Water Resources Council	1521.19(C)	61099
Alzheimer's Disease Task Force	173.04(F)	61100
AMBER Alert Advisory Committee	5502.521	61101
Apprenticeship Council	4139.02	61102
Armory Board of Control	5911.09	61103
Automated Title Processing Board	4505.09(C)(1)	61104
Banking Commission	1123.01	61105
Board of Directors of the Ohio Health Reinsurance Program	3924.08	61106

Board of Voting Machine Examiners	3506.05(B)	61107
Brain Injury Advisory Committee	3304.231	61108
Capitol Square Review and Advisory Board	105.41	61109
Child Support Guideline Advisory Council	3119.024	61110
Children's Trust Fund Board	3109.15	61111
Citizens Advisory Committee (BMV)	4501.025	61112
Citizen's Advisory Councils (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	61113
Clean Ohio Trail Advisory Board	1519.06	61114
Coastal Resources Advisory Council	1506.12	61115
Commission on African-American Males	4112.12	61116
Commission on Hispanic-Latino Affairs	121.31	61117
Commission on Minority Health	3701.78	61118
Committee on Prescriptive Governance	4723.49	61119
Commodity Advisory Commission	926.32	61120
Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council	5123.353	61121
Community Oversight Council	3311.77	61122
Compassionate Care Task Force	Section 3, H.B. 474, 124th GA	61123
Continuing Education Committee (for Sheriffs)	109.80	61124
Coordinating Committee, Agricultural Commodity Marketing Programs	924.14	61125
Council on Alcohol and Drug Addiction Services	3793.09	61126
Council on Unreclaimed Strip Mined Lands	1513.29	61127
Council to Advise on the Establishment and Implementation of the Birth Defects Information System	3705.34	61128
County Sheriffs' Standard Car-Marking and Uniform Commission	311.25	61129
Credit Union Council	1733.329	61130
Criminal Sentencing Advisory Committee	181.22	61131

Day-Care Advisory Council	5104.08	61132
Dentist Loan Repayment Advisory Board	3702.92	61133
Development Financing Advisory Council	122.40	61134
Education Commission of the States (Interstate Compact for Education)	3301.48	61135
Electrical Safety Inspector Advisory Committee	3783.08	61136
Emergency Response Commission	3750.02	61137
Engineering Experiment Station Advisory Committee	3335.27	61138
Environmental Education Council	3745.21	61139
EPA Advisory Boards or Councils	121.13	61140
Farmland Preservation Advisory Board	901.23	61141
Financial Planning & Supervision Commission for Municipal Corporation, County, or Township	118.05	61142
Financial Planning & Supervision Commission for School District	3316.05	61143
Forestry Advisory Council	1503.40	61144
Governance Authority for a State University or College	3345.75	61145
Governor's Advisory Council on Physical Fitness, Wellness, & Sports	3701.77	61146
Governor's Council on People with Disabilities	3303.41	61147
Governor's Residence Advisory Commission	107.40	61148
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	61149
Gubernatorial Transition Committee	107.29	61150
Head Start Partnership Study Council	Section 41.35, H.B. 95, 125th GA	61151
Hemophilia Advisory Subcommittee	3701.0210	61152
Housing Trust Fund Advisory Committee	175.25	61153
Industrial Commission Nominating Council	4121.04	61154
Industrial Technology and Enterprise Advisory Council	122.29	61155
Infant Hearing Screening Subcommittee	3701.507	61156

Insurance Agent Education Advisory Council	3905.483	61157
Interagency Council on Hispanic/Latino Affairs	121.32(J)	61158
Interstate Mining Commission (Interstate Mining Compact)	1514.30	61159
Interstate Rail Passenger Advisory Council (Interstate High Speed Intercity Rail Passenger Network Compact)	4981.35	61160
Joint Council on MR/DD	101.37	61161
Joint Select Committee on Volume Cap	133.021	61162
Labor-Management Government Advisory Council	4121.70	61163
Legal Rights Service Commission	5123.60	61164
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	61165
Maternal and Child Health Council	3701.025	61166
Medically Handicapped Children's Medical Advisory Council	3701.025	61167
Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	61168
Military Activation Task Force	5902.15	61169
Milk Sanitation Board	917.03	61170
Mine Subsidence Insurance Governing Board	3929.51	61171
Minority Development Financing Board	122.72	61172
Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	61173
Multidisciplinary Council	3746.03	61174
Muskingum River Advisory Council	1501.25	61175
National Museum of Afro-American History and Culture Planning Committee	149.303	61176
Ohio Advisory Council for the Aging	173.03	61177
Ohio Aerospace & Defense Advisory Council	122.98	61178
Ohio Arts Council	3379.02	61179
Ohio Business Gateway Steering Committee	5703.57	61180
Ohio Cemetery Dispute Resolution Commission	4767.05	61181

Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	61182
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	61183
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	61184
Ohio Commission on Dispute Resolution and Conflict Management	179.02	61185
Ohio Commission to Reform Medicaid	Section 59.29, H.B. 95, 125th GA	61186
Ohio Community Service Council	121.40	61187
Ohio Council for Interstate Adult Offender Supervision	5149.22	61188
Ohio Cultural Facilities Commission	3383.02	61189
Ohio Developmental Disabilities Council	5123.35	61190
Ohio Expositions Commission	991.02	61191
Ohio Family and Children First Cabinet Council	121.37	61192
Ohio Geology Advisory Council	1505.11	61193
Ohio Grape Industries Committee	924.51	61194
Ohio Hepatitis C Advisory Commission	3701.92	61195
Ohio Historic Site Preservation Advisory Board	149.301	61196
Ohio Historical Society Board of Trustees	149.30	61197
Ohio Judicial Conference	105.91	61198
Ohio Lake Erie Commission	1506.21	61199
Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3, S.B. 86, 125th GA	61200
Ohio Medical Quality Foundation	3701.89	61201
Ohio Parks and Recreation Council	1541.40	61202

Ohio Peace Officer Training Commission	109.71	61203
Ohio Public Defender Commission	120.01	61204
Ohio Public Library Information Network Board	Sec. 69, H.B. 117, 121st GA, as amended by H.B. 284, 121st GA	61205
Ohio Quarter Horse Development Commission	3769.086	61206
Ohio Small Government Capital Improvements Commission	164.02	61207
Ohio Soil and Water Conservation Commission	1515.02	61208
Ohio Standardbred Development Commission	3769.085	61209
Ohio Steel Industry Advisory Council	122.97	61210
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	61211
Ohio Thoroughbred Racing Advisory Committee	3769.084	61212
Ohio Tuition Trust Authority	3334.03	61213
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	61214
Ohio Vendors Representative Committee	3304.34	61215
Ohio War Orphans Scholarship Board	5910.02	61216
Ohio Water Advisory Council	1521.031	61217
Ohio Water Resources Council	1521.19	61218
Ohioana Library Association, Martha Kinney Cooper Memorial	3375.62	61219
Oil and Gas Commission	1509.35	61220
Operating Committee, Agricultural Commodity Marketing Programs	924.07	61221
Organized Crime Investigations Commission	177.01	61222
Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	5111.81	61223
Physician Loan Repayment Advisory Board	3702.81	61224
Power Siting Board	4906.02	61225

Prequalification Review Board	5525.07	61226
Private Water Systems Advisory Council	3701.346	61227
Public Employment Risk Reduction Advisory Commission	4167.02	61228
Public Health Council	3701.33	61229
Public Utilities Commission Nominating Council	4901.021	61230
Public Utility Property Tax Study Committee	5727.85	61231
Radiation Advisory Council	3748.20	61232
Reclamation Commission	1513.05	61233
Recreation and Resources Commission	1501.04	61234
Recycling and Litter Prevention Advisory Council	1502.04	61235
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	61236
Savings & Loans Associations & Savings Banks Board	1181.16	61237
Schools and Ministerial Lands Divestiture Committee	501.041	61238
Second Chance Trust Fund Advisory Committee	2108.17	61239
Services Committee of the Workers' Compensation System	4121.06	61240
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	61241
Solid Waste Management Advisory Council	3734.51	61242
State Agency Coordinating Group	1521.19	61243
State Board of Emergency Medical Services Subcommittees	4765.04	61244
State Council of Uniform State Laws	105.21	61245
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	61246
State Criminal Sentencing Commission	181.21	61247
State Fire Commission	3737.81	61248
State Racing Commission	3769.02	61249
State Victims Assistance Advisory Committee	109.91	61250

Student Tuition Recovery Authority	3332.081	61251
Tax Credit Authority	122.17	61252
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	61253
Technical Advisory Council on Oil and Gas	1509.38	61254
Transportation Review Advisory Council	5512.07	61255
Unemployment Compensation Review Commission	4141.06	61256
Unemployment Compensation Advisory Council	4141.08	61257
Utility Radiological Safety Board	4937.02	61258
Vehicle Management Commission	125.833	61259
Veterans Advisory Committee	5902.02(K)	61260
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	61261
Water and Sewer Commission	1525.11(C)	61262
Waterways Safety Council	1547.73	61263
Wildlife Council	1531.03	61264
Workers' Compensation System Oversight Commission	4121.12	61265
Workers' Compensation Oversight Commission	4121.123	61266
Nominating Committee		

***Section 609.06.** That existing Section 4 of Am. Sub. H.B. 516 61267
of the 125th General Assembly, as amended by both Am. Sub. H.B. 66 61268
and Sub. S.B. 124 of the 126th General Assembly, is hereby 61269
repealed. 61270

Section 621.05. That Section 153 of Am. Sub. H.B. 117 of the 61271
121st General Assembly, as most recently amended by Am. Sub. H.B. 61272
66 of the 126th General Assembly, be amended to read as follows: 61273

Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 61274
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 61275
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 61276
repealed, effective October 16, ~~2007~~ 2009. 61277

(B) Any money remaining in the Legislative Budget Services Fund on October 16, ~~2007~~ 2009, the date that section 5112.19 of the Revised Code is repealed by division (A) of this section, shall be used solely for the purposes stated in then former section 5112.19 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5112.19 of the Revised Code is repealed under division (A) of this section, the fund shall cease to exist.

Section 621.06. That existing Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 66 of the 126th General Assembly, is hereby repealed.

Section 703.03. ATTORNEY GENERAL REVIEW OF SELECTION PROCESS FOR OUTSIDE COUNSEL

On July 1, 2007, or as soon as practicable thereafter, the Attorney General shall undertake a review of the selection process for outside counsel for the state and shall review all options for recovering cost savings from respective state agencies to which counsel is provided, including options for charging state agencies for a portion of the savings realized. After undertaking such review, the Attorney General may develop, in consultation with the Director of Budget and Management, a cost savings method that accurately accounts for costs savings realized from the outside counsel selection process and may implement the method, subject to the approval of the Director of Budget and Management. If a method is implemented, the Attorney General shall report, not later than the thirtieth day of June in each of fiscal years 2008 and 2009, on its method and certify its continued accuracy to the Director of Budget and Management, the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, the Minority Leader of the Senate, and the Legislative Service Commission.

Section 706.03. (A) As used in this section, "appointing authority" has the same meaning as in section 124.01 of the Revised Code, and "exempt employee" has the same meaning as in section 124.152 of the Revised Code.

(B) Notwithstanding section 124.181 of the Revised Code, both of the following apply:

(1) In cases where no vacancy exists, an appointing authority may, with the written consent of an exempt employee, assign duties of a higher classification to that exempt employee for a period of time not to exceed two years, and that exempt employee shall receive compensation at a rate commensurate with the duties of the higher classification.

(2) If necessary, exempt employees who are assigned to duties within their agency to maintain operations during the Ohio Administrative Knowledge System (OAKS) implementation may agree to a temporary assignment that exceeds the two-year limit.

***Section 755.03.** The Director of Transportation may conduct a twelve-month pilot project to be completed not later than June 30, 2009, for energy price risk management by entering into a contract with a qualified provider of energy risk management services. The contract may include rate analysis, negotiation services, market and regulatory analysis, budget and financial analysis, and mitigation strategies for volatile energy sources, including natural gas, gasoline, oil, and diesel fuel, but shall not include energy procurement and shall not subject more than thirty per cent of the Department's annual energy needs to the risk management services. The Director shall select the energy risk management services provider through a qualifications-based selection process, subject to Controlling Board approval. The contract shall specify that the Department may share the analysis and services of

the energy risk management services provider with all state 61339
agencies and operations. The Director may use revenues from the 61340
state motor vehicle fuel tax or other funds appropriated by the 61341
General Assembly for the pilot project to pay amounts due under 61342
the contract and shall deposit any amounts received under the 61343
contract into the Highway Operating Fund created under section 61344
5735.291 of the Revised Code. 61345

Section 757.03. (A) Beginning in July 2007 and ending in 61346
November 2007, on or before the seventh day of each month, the Tax 61347
Commissioner shall determine and certify to the Director of Budget 61348
and Management the amount to be credited from each tax source 61349
under divisions (B), (C), and (D) of this section to the Local 61350
Government Fund, the Library and Local Government Support Fund, 61351
and the Local Government Revenue Assistance Fund. 61352

(B) Notwithstanding sections 5727.45, 5727.84, 5733.12, 61353
5739.21, 5741.03, and 5747.03 of the Revised Code or any other 61354
provision of law to the contrary, for each month in the period 61355
beginning July 1, 2007, and ending November 30, 2007, tax revenues 61356
credited to the Local Government Fund, the Library and Local 61357
Government Support Fund, and the Local Government Revenue 61358
Assistance Fund under those sections shall instead be credited as 61359
follows: 61360

(1) An amount shall first be credited to the Local Government 61361
Fund as prescribed under division (C) of this section; 61362

(2) An amount shall next be credited to the Local Government 61363
Revenue Assistance Fund as prescribed under division (C) of this 61364
section; 61365

(3) An amount shall next be credited to the Library and Local 61366
Government Support Fund as prescribed under division (D) of this 61367
section. 61368

(C) Receipts from the corporation franchise, sales and use, 61369
public utility excise, kilowatt-hour, and personal income taxes 61370
shall be credited to the Local Government Fund and the Local 61371
Government Revenue Assistance Fund as follows: 61372

(1) In July 2007, the amount that was credited in July 2006; 61373

(2) In August 2007, the amount that was credited in August 61374
2006; 61375

(3) In September 2007, the amount that was credited in 61376
September 2006; 61377

(4) In October 2007, the amount that was credited in October 61378
2006; 61379

(5) In November 2007, the amount that was credited in 61380
November 2006. 61381

(D) Receipts from the personal income tax shall be credited 61382
to the Library and Local Government Support Fund as follows: 61383

(1) In July 2007, the amount that was credited in July 2006; 61384

(2) In August 2007, the amount that was credited in August 61385
2006; 61386

(3) In September 2007, the amount that was credited in 61387
September 2006; 61388

(4) In October 2007, the amount that was credited in October 61389
2006; 61390

(5) In November 2007, the amount that was credited in 61391
November 2006. 61392

(E)(1) To the extent the amounts required to be credited to 61393
the Local Government Fund, the Library and Local Government 61394
Support Fund, and the Local Government Revenue Assistance Fund 61395
under divisions (C) and (D) of this section exceed the amounts 61396
that otherwise would have been credited to those funds under 61397

sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 61398
of the Revised Code, amounts required to be credited to the 61399
General Revenue Fund under those sections shall be reduced 61400
accordingly. 61401

(2) To the extent the amounts required to be credited to the 61402
Local Government Fund, the Library and Local Government Support 61403
Fund, and the Local Government Revenue Assistance Fund under 61404
divisions (C) and (D) of this section are less than the amounts 61405
that otherwise would have been credited to those funds under 61406
sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 61407
of the Revised Code, amounts required to be credited to the 61408
General Revenue Fund under those sections shall be increased 61409
accordingly. 61410

(F) The total amount credited each month under this section 61411
to the Local Government Fund, the Library and Local Government 61412
Support Fund, and the Local Government Revenue Assistance Fund 61413
shall be distributed on or before the tenth day of the immediately 61414
succeeding month as follows: 61415

(1) Each county undivided Local Government Fund shall receive 61416
a distribution from the Local Government Fund that is based upon 61417
its proportionate share of the total amount received by it from 61418
the fund in the same month during the preceding calendar year. 61419

(2) Each municipal corporation receiving a direct 61420
distribution from the Local Government Fund shall receive a 61421
distribution that is based upon its proportionate share of the 61422
total amount received by it from the fund in the same month during 61423
the preceding calendar year. 61424

(3) Each county undivided Local Government Revenue Assistance 61425
Fund shall receive a distribution from the Local Government 61426
Revenue Assistance Fund that is based upon its proportionate share 61427
of the total amount received by it from the fund in the same month 61428

during the preceding calendar year. 61429

(4) Each county undivided Library and Local Government 61430
Support Fund shall receive a distribution from the Library and 61431
Local Government Support Fund that is based upon its proportionate 61432
share of the total amount received by it from the fund in the same 61433
month during the preceding calendar year. 61434

(G) Distributions shall not be made in accordance with 61435
sections 5747.47 and 5747.50 of the Revised Code until January 1, 61436
2008. 61437

(H) Notwithstanding section 5747.47 of the Revised Code, the 61438
Tax Commissioner is not required to issue the certification 61439
required by that section to be made in December 2007 for calendar 61440
year 2007. The Tax Commissioner may, as the Commissioner considers 61441
appropriate, provide to each county auditor additional revised 61442
estimates or other information relating to distributions in 2007, 61443
2008, or 2009 at any time during the period beginning July 1, 61444
2007, and ending June 30, 2009. 61445

(I)(1) Notwithstanding division (A) of section 131.51 of the 61446
Revised Code, on or before January 5, 2008, the Director of Budget 61447
and Management shall credit to the Local Communities Fund an 61448
amount equal to three and sixty-five one-hundredths per cent of 61449
total tax revenues credited to the General Revenue Fund during 61450
December 2007. In determining the total tax revenues credited to 61451
the General Revenue Fund during that month, transfers made from 61452
the General Revenue Fund during that month to the Local Government 61453
Fund, the Local Government Revenue Assistance Fund, and the 61454
Library and Local Government Support Fund shall be disregarded. 61455
Moneys credited to the Local Communities Fund under division 61456
(I)(1) of this section shall be distributed in January 2008 in 61457
accordance with section 5747.50 of the Revised Code. 61458

(2) Notwithstanding division (B) of section 131.51 of the 61459

Revised Code, on or before January 5, 2008, the Director of Budget and Management shall credit to the Local Libraries Fund an amount equal to two and two-tenths per cent of total tax revenues credited to the General Revenue Fund during December 2007. In determining the total tax revenues credited to the General Revenue Fund during that month, transfers made from the General Revenue Fund during that month to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund shall be disregarded. Moneys credited to the Local Libraries Fund under division (I)(2) of this section shall be distributed in January 2008 in accordance with section 5747.47 of the Revised Code.

Section 757.04. Notwithstanding sections 5747.46 and 5747.47 of the Revised Code or any other provision of law to the contrary, a county's actual Library and Local Government Support Fund total entitlement for the 2007 distribution year shall equal the amount that was distributed to the county's Library and Local Government Support Fund from the Library and Local Government Support Fund during the 2007 calendar year. Each county's resulting calendar year 2007 Library and Local Government Support Fund entitlement shall be used by the Tax Commissioner for purposes of determining the guaranteed share of the Local Libraries Fund in section 5747.46 of the Revised Code for the 2008 distribution year and shall be used by the Commissioner in making:

(A) The calendar year 2008 estimated entitlements of the Local Libraries Fund required by section 5747.47 of the Revised Code to be certified to county auditors in July 2007, December 2007, and June 2008; and

(B) The calendar year 2008 actual Local Libraries Fund entitlement computations required by section 5747.47 of the Revised Code to be certified to county auditors in December 2008.

Section 757.07. For tax years 2007 and thereafter, telephone, 61491
telegraph, and interexchange telecommunications companies, as 61492
defined in section 5727.01 of the Revised Code, shall list taxable 61493
property at the percentage of true value required in Chapter 5711. 61494
of the Revised Code. For purposes of assigning taxable valuation 61495
to each taxing district for those years, the Tax Commissioner 61496
shall continue to use the apportionment provisions of Chapter 61497
5727. of the Revised Code. However, such property shall be listed 61498
by the county auditor and certified to the county treasurer for 61499
collection under the provisions applicable to the general tax list 61500
of personal property and not upon the tax list and duplicate of 61501
real and public utility personal property. 61502

Section 757.10. The Department of Administrative Services, in 61503
conjunction with the Department of Taxation, may acquire the State 61504
Taxation Revenue and Accounting System (STARS) pursuant to Chapter 61505
125. of the Revised Code, including, but not limited to, the 61506
application software and installation and implementation thereof, 61507
for the use of the Department of Taxation. STARS is an integrated 61508
tax collection and audit system that will replace all of the 61509
state's existing separate tax software and administration systems 61510
for the various taxes collected by the state. Any lease-purchase 61511
arrangement used under Chapter 125. of the Revised Code to acquire 61512
STARS, including any fractionalized interests therein as defined 61513
in division (N) of section 133.01 of the Revised Code, must 61514
provide that at the end of the lease period, STARS becomes the 61515
property of the state. 61516

Section 803.03. The amendment by this act of sections 61517
3119.022, 3119.023, 3119.29, and 3119.30 of the Revised Code first 61518
applies on February 1, 2008, or on the effective date of 61519
regulations defining "reasonable cost" issued by the United States 61520

Secretary of Health and Human Services, whichever is later. 61521

Section 803.06. (A) The amendment by this act of sections 61522
323.151, 323.152, 323.153, and 323.154 of the Revised Code applies 61523
to tax year 2007 and thereafter. Notwithstanding division (A)(3) 61524
of section 323.153 of the Revised Code, a person whose homestead 61525
first becomes eligible for the tax reduction under section 323.152 61526
of the Revised Code or who is entitled to an increased reduction 61527
by virtue of the amendment by this act of sections 323.151, 61528
323.152, 323.153, and 323.154 of the Revised Code for tax year 61529
2007 shall apply for that reduction or increase not later than one 61530
hundred twenty days after the effective date of this section. 61531

(B) The amendment by this act of sections 4503.064, 4503.065, 61532
4503.066, and 4503.067 of the Revised Code applies to tax year 61533
2007 and thereafter. Notwithstanding division (A)(2) of section 61534
4503.066 of the Revised Code, a person whose manufactured or 61535
mobile home first becomes eligible for the tax reduction under 61536
section 4503.065 of the Revised Code or who is entitled to an 61537
increased reduction by virtue of the amendment by this act of 61538
sections 4503.064, 4503.065, 4503.066, and 4503.067 of the Revised 61539
Code shall apply for the reduction or increase not later than one 61540
hundred twenty days after the effective date of this section. 61541

Section 803.09. The amendment or enactment by this act of 61542
section 4505.06, division (B)(23) of section 5739.02, and sections 61543
5739.029, 5739.033, and 5739.213 of the Revised Code apply to 61544
sales described in division (A) of section 5739.029 of the Revised 61545
Code on or after August 1, 2007. 61546

Section 806.03. The sections and items of law contained in 61547
this act, and their applications, are severable. If any section or 61548
item of law contained in this act, or if any application of any 61549

section or item of law contained in this act, is held invalid, the 61550
invalidity does not affect other sections or items of law 61551
contained in this act and their applications that can be given 61552
effect without the invalid section or item of law or application. 61553

Section 809.03. An item of law, other than an amending, 61554
enacting, or repealing clause, that composes the whole or part of 61555
an uncodified section contained in this act has no effect after 61556
June 30, 2009, unless its context clearly indicates otherwise. 61557

Section 812.03. Except as otherwise specifically provided in 61558
this act, the codified sections of law amended or enacted in this 61559
act, and the items of law of which the codified sections of law 61560
amended or enacted in this act are composed, are subject to the 61561
referendum. Therefore, under Ohio Constitution, Article II, 61562
Section 1c and section 1.471 of the Revised Code, the codified 61563
sections of law amended or enacted by this act, and the items of 61564
law of which the codified sections of law as amended or enacted by 61565
this act are composed, take effect on the ninety-first day after 61566
this act is filed with the Secretary of State. If, however, a 61567
referendum petition is filed against any such codified section of 61568
law as amended or enacted by this act, or against any item of law 61569
of which any such codified section of law as amended or enacted by 61570
this act is composed, the codified section of law as amended or 61571
enacted, or item of law, unless rejected at the referendum, takes 61572
effect at the earliest time permitted by law. 61573

Section 812.06. Except as otherwise specifically provided in 61574
this act, the repeal by this act of a codified section of law is 61575
subject to the referendum. Therefore, under Ohio Constitution, 61576
Article II, Section 1c and section 1.471 of the Revised Code, the 61577
repeal by this act of a codified section of law takes effect on 61578
the ninety-first day after this act is filed with the Secretary of 61579

State. If, however, a referendum petition is filed against any 61580
such repeal, the repeal, unless rejected at the referendum, takes 61581
effect at the earliest time permitted by law. 61582

Section 812.09. The sections of law amended, enacted, or 61583
repealed by this act that are listed in this section are subject 61584
to the referendum. Therefore, under Ohio Constitution, Article II, 61585
Section 1c and section 1.471 of the Revised Code, the sections, 61586
and the items of law of which they are composed, take effect as 61587
specified in this section. If, however, a referendum petition is 61588
filed against any such section as amended, enacted, or repealed, 61589
or against any item of law of which any such section as amended or 61590
enacted is composed, the section as amended, enacted, or repealed 61591
goes into effect at the earliest time permitted by law that is on 61592
or after the effective date specified in this section. 61593

Section 5111.014 of the Revised Code takes effect January 1, 61594
2008. 61595

Sections 3317.05, 3321.01, and 5101.213 of the Revised Code 61596
take effect July 1, 2008. 61597

Section 812.12. Uncodified sections of law amended or enacted 61598
in this act, and items of law contained within the uncodified 61599
sections of law amended or enacted in this act, that are marked 61600
with an asterisk are subject to the referendum. Therefore, under 61601
Ohio Constitution, Article II, Section 1c and section 1.471 of the 61602
Revised Code, the uncodified sections and items of law marked with 61603
an asterisk take effect on the ninety-first day after this act is 61604
filed with the Secretary of State. If, however, a referendum 61605
petition is filed against an uncodified section or item of law 61606
marked with an asterisk, the uncodified section or item of law 61607
marked with an asterisk, unless rejected at the referendum, takes 61608
effect at the earliest time permitted by law. 61609

If the amending and existing repeal clauses commanding the amendment of an uncodified section of law are both marked with asterisks, the uncodified section as amended is deemed also to have been marked with an asterisk.

An asterisk marking an uncodified section or item of law has the form*.

This section defines the meaning and form of, but is not itself to be considered marked with, an asterisk.

Section 815.03. The sections of law amended or enacted by this act that are listed in this section, and the items of law of which such sections as amended or enacted by this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, such sections as amended or enacted by this act, and the items of law of which such sections as amended or enacted by this act are composed, go into immediate effect when this act becomes law.

Sections 122.051, 122.071, 122.076, 122.17, 122.171, 122.174, 122.602, 124.152, 126.24, 126.40, 127.16, 173.35, 183.01, 183.021, 183.17, 183.33, 183.34, 183.35, 183.51, 183.52, 340.03, 1503.05, 2927.023, 3119.022, 3119.023, 3119.29, 3119.30, 3301.0711, 3310.41, 3313.615, 3313.98, 3314.013, 3314.014, 3314.015, 3314.02, 3314.021, 3314.024, 3314.027, 3314.03, 3314.04, 3314.074, 3314.08, 3314.19, 3314.21, 3314.27, 3317.01, 3317.012, 3317.013, 3317.014, 3317.015, 3317.016, 3317.017, 3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 3317.029, 3317.0216, 3317.0217, 3317.03, 3317.04, 3317.08, 3317.16, 3317.20, 3317.201, 3319.081, 3319.17, 3365.01, 3702.68 (3702.59), 3704.03, 3704.14, 3721.51, 3721.541, 3721.56, 3735.672, 3773.35, 3773.36, 4301.43, 4503.10, 4513.263, 4723.621, 4723.63, 4723.64, 4723.65, 4723.66, 4743.05, 4766.05, 4775.08, 5101.802, 5101.98, 5111.871, 5111.8814, 5112.341,

5119.611, 5123.01, 5123.033, 5123.045, 5123.0414, 5123.0415, 61641
5123.051, 5123.16, 5123.161, 5123.162, 5123.163, 5123.164, 61642
5123.165, 5123.166, 5123.167, 5123.168, 5123.169, 5123.19, 61643
5123.196, 5123.198, 5123.20, 5123.211, 5123.38, 5123.41, 5123.51, 61644
5123.605, 5123.99, 5126.046, 5126.057, 5126.11, 5126.12, 5126.15, 61645
5126.18, 5126.19, 5126.25, 5126.40, 5126.42, 5126.43, 5126.45, 61646
5126.47, 5709.68, 5747.46, 5747.47, 5747.50, 5747.501, 5747.51, 61647
5747.52, 5747.53, 5747.54, 5747.55, 5751.21, 5907.15, 5907.16, and 61648
6111.0381 of the Revised Code. 61649

Section 815.06. The repeal by this act of the sections of law 61650
listed in this section is not subject to the referendum. 61651
Therefore, under Ohio Constitution, Article II, Section 1d and 61652
section 1.471 of the Revised Code, the repeals go into immediate 61653
effect when this act becomes law. 61654

Sections 183.02, 183.27, 183.32, 3310.01, 3310.02, 3310.03, 61655
3310.04, 3310.05, 3310.06, 3310.07, 3310.08, 3310.09, 3310.10, 61656
3310.11, 3310.12, 3310.13, 3310.14, 3310.17, 3319.0810, 5123.16, 61657
5123.182, 5123.199, 5126.053, 5126.431, 5126.44, 5126.451, 61658
5747.61, 5747.62, and 5747.63 of the Revised Code. 61659

The version of section 3702.68 of the Revised Code that was 61660
scheduled to take effect July 1, 2007. 61661

Section 815.09. The sections of law amended, enacted, or 61662
repealed by this act that are listed in this section are not 61663
subject to the referendum. Therefore, under Ohio Constitution, 61664
Article II, Section 1d and section 1.471 of the Revised Code, the 61665
sections as amended, enacted, or repealed, and the items of law of 61666
which as amended or enacted they are composed, go into effect as 61667
specified in this section. 61668

Sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 61669
5747.03 of the Revised Code take effect December 1, 2007. 61670

Sections 118.01, 118.08, 118.17, 118.20, 118.23, 127.14, 61671
131.44, 131.51, 133.10, 133.25, 135.35, 135.352, 152.31, 164.05, 61672
164.051, 307.021, 307.6910, 321.08, 709.191, 742.301, 3375.05, 61673
3375.121, 3375.40, 3375.85, 4123.35, 5139.27, 5139.271, 5705.28, 61674
5705.281, 5705.29, 5705.30, 5705.31, 5705.32, 5705.321, 5705.37, 61675
5709.882, 5715.36, 5719.041, 5725.151, 5725.24, 5747.48, and 61676
6121.043 of the Revised Code take effect January 1, 2008. 61677

Section 815.12. Except as otherwise specifically provided in 61678
this act, the uncodified sections of law amended or enacted in 61679
this act, and the items of law of which the uncodified sections of 61680
law amended or enacted in this act are composed, are not subject 61681
to the referendum. Therefore, under Ohio Constitution, Article II, 61682
Section 1d and section 1.471 of the Revised Code, the uncodified 61683
sections of law amended or enacted in this act, and the items of 61684
law of which the uncodified sections of laws amended or enacted in 61685
this act are composed, go into immediate effect when this act 61686
becomes law. 61687

Section 818.03. The amendment or enactment by this act of the 61688
sections of law listed in this section provides for or is 61689
essential to implementation of a tax levy. Therefore, under Ohio 61690
Constitution, Article II, Section 1d, the amendments and 61691
enactments, and the items of which they are composed, are not 61692
subject to the referendum and go into immediate effect when this 61693
act becomes law. 61694

Sections 133.01, 319.202, 319.54, 322.01, 323.151, 323.152, 61695
323.153, 323.154, 325.31, 1548.06, 4503.06, 4503.061, 4503.064, 61696
4503.065, 4503.066, 4503.067, 4505.06, 4519.55, 5703.80, 5739.02, 61697
5739.029, 5739.033, 5739.12, 5739.213, 5741.02, 5743.01, 5743.20, 61698
5745.02, 5745.05, 5745.13, 5748.01, 5748.02, 5748.022, and 5751.23 61699
of the Revised Code. 61700

Section 818.06. The repeal by this act of the sections of law listed in this section provides for or is essential to implementation of a tax levy. Therefore, under Ohio Constitution, Article II, Section 1d, the repeals are not subject to the referendum and go into immediate effect when this act becomes law.

Section 5743.331 of the Revised Code.

Section 821.03. (A) Except as otherwise provided in division (B) of this section, the amendments by this act to the version of section 127.16 of the Revised Code that is scheduled to take effect July 1, 2007, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the amendments are entitled to go into immediate effect. However, the amendments shall take effect July 1, 2007.

(B) The amendment by this act to division (D)(2) of that section 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, a referendum petition is filed against the amendment, the amendment, unless rejected at the referendum, takes effect at the earliest time permitted by law.

Section 821.06. (A) Except as otherwise provided in division (B) of this section, the amendments by this act to section 3317.02 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.

(B) The amendment to section 3317.02 of the Revised Code that substitutes the term "state education aid" for the term "SF-3 payment" is subject to the referendum. Therefore, under Ohio

Constitution, Article II, Section 1c and section 1.471 of the 61731
Revised Code, the amendment takes effect on the ninety-first day 61732
after this act is filed with the Secretary of State. If, however, 61733
a referendum petition is filed against the amendment, the 61734
amendment, unless rejected at the referendum, takes effect at the 61735
earliest time permitted by law. 61736

Section 821.09. (A) Except as otherwise provided in division 61737
(B) of this section, the amendments by this act to section 5104.30 61738
of the Revised Code are subject to the referendum. Therefore, 61739
under Ohio Constitution, Article II, Section 1c and section 1.471 61740
of the Revised Code, the amendments take effect on the 61741
ninety-first day after this act is filed with the Secretary of 61742
State. If, however, a referendum petition is filed against the 61743
amendments, the amendments, unless rejected at the referendum, 61744
take effect at the earliest time permitted by law. 61745

(B) The amendments to section 5104.30 of the Revised Code 61746
that add divisions (C)(3)(d) and (F) are not subject to the 61747
referendum. Therefore, under Ohio Constitution, Article II, 61748
Section 1d and section 1.471 of the Revised Code, the amendments 61749
go into immediate effect. 61750

Section 821.12. (A) Except as otherwise provided in division 61751
(B) of this section, the amendments by this act to section 5111.20 61752
of the Revised Code are subject to the referendum. Therefore, 61753
under Ohio Constitution, Article II, Section 1c and section 1.471 61754
of the Revised Code, the amendments take effect on the 61755
ninety-first day after this act is filed with the Secretary of 61756
State. If, however, a referendum petition is filed against the 61757
amendments, the amendments, unless rejected at the referendum, 61758
take effect at the earliest time permitted by law. 61759

(B) The amendment to division (H)(3)(a) of section 5111.20 of 61760

the Revised Code is not subject to the referendum. Therefore, 61761
under Ohio Constitution, Article II, Section 1d and section 1.471 61762
of the Revised Code, the amendment goes into immediate effect. 61763

Section 821.15. (A) Except as otherwise provided in division 61764
(B) of this section, the amendments by this act to section 61765
5126.055 of the Revised Code are subject to the referendum. 61766
Therefore, under Ohio Constitution, Article II, Section 1c and 61767
section 1.471 of the Revised Code, the amendments take effect on 61768
the ninety-first day after this act is filed with the Secretary of 61769
State. If, however, a referendum petition is filed against the 61770
amendments, the amendments, unless rejected at the referendum, 61771
take effect at the earliest time permitted by law. 61772

(B) The amendment to section 5126.055 of the Revised Code 61773
that strikes through "5123.16" and inserts "5123.161" is not 61774
subject to the referendum. Therefore, under Ohio Constitution, 61775
Article II, Section 1d and section 1.471 of the Revised Code, the 61776
amendment goes into immediate effect. 61777

Section 821.18. (A) Except as otherwise provided in division 61778
(B) of this section, the amendments by this act to section 5727.87 61779
of the Revised Code provide for or are essential to implementation 61780
of a tax levy. Therefore, under Ohio Constitution, Article II, 61781
Section 1d, the amendments are not subject to the referendum and 61782
go into immediate effect when this act becomes law. 61783

(B) The amendment to division (A)(2)(b) of section 5727.87 of 61784
the Revised Code is subject to the referendum. Therefore, under 61785
Ohio Constitution, Article II, Section 1c and section 1.471 of the 61786
Revised Code, the amendment takes effect on the ninety-first day 61787
after this act is filed with the Secretary of State. If, however, 61788
a referendum petition is filed against the amendment, the 61789
amendment, unless rejected at the referendum, takes effect at the 61790

earliest time permitted by law. 61791

Section 821.21. If the amendment or enactment in this act of 61792
a codified or uncodified section of law is subject to the 61793
referendum, the corresponding indications in the amending, 61794
enacting, or existing repeal clauses commanding the amendment or 61795
enactment also are subject to the referendum, along with the 61796
amendment or enactment. If the amendment or enactment by this act 61797
of a codified or uncodified section of law is not subject to the 61798
referendum, the corresponding indications in the amending, 61799
enacting, or existing repeal clauses commanding the amendment or 61800
enactment also are not subject to the referendum, the same as the 61801
amendment or enactment. 61802

Section 824.03. The General Assembly, applying the principle 61803
stated in division (B) of section 1.52 of the Revised Code that 61804
amendments are to be harmonized if reasonably capable of 61805
simultaneous operation, finds that the following sections, 61806
presented in this act as composites of the sections as amended by 61807
the acts indicated, are the resulting versions of the sections in 61808
effect prior to the effective date of the sections as presented in 61809
this act: 61810

Section 109.572 of the Revised Code is presented in this act 61811
as a composite of the section as amended by both Am. Sub. S.B. 185 61812
and Am. Sub. S.B. 238 of the 126th General Assembly. Section 61813
111.18 of the Revised Code is presented in this act as a composite 61814
of the section as amended by both Am. Sub. H.B. 94 and Am. Sub. 61815
S.B. 74 of the 124th General Assembly. Section 323.153 of the 61816
Revised Code is presented in this act as a composite of the 61817
section as amended by both Am. H.B. 595 and Am. Sub. H.B. 672 of 61818
the 123rd General Assembly. Section 2921.42 of the Revised Code is 61819
presented in this act as a composite of the section as amended by 61820
both Sub. H.B. 150 and Am. Sub. H.B. 285 of the 120th General 61821

Assembly. Section 3301.0714 of the Revised Code is presented in 61822
this act as a composite of the section as amended by Am. Sub. H.B. 61823
79, Am. Sub. H.B. 137, Am. Sub. H.B. 276, and Am. Sub. H.B. 530 of 61824
the 126th General Assembly. Section 3314.03 of the Revised Code is 61825
presented in this act as a composite of the section as amended by 61826
Am. Sub. H.B. 79, Am. Sub. H.B. 137, Sub. H.B. 184, Am. Sub. H.B. 61827
276, Sub. H.B. 422, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. 61828
S.B. 311 of the 126th General Assembly. Section 3314.014 of the 61829
Revised Code is presented in this act as a composite of the 61830
section as amended by both Am. Sub. H.B. 79 and Am. Sub. H.B. 276 61831
of the 126th General Assembly. Section 3317.03 of the Revised Code 61832
is presented in this act as a composite of the section as amended 61833
by both Am. Sub. H.B. 79 and Am. Sub. H.B. 699 of the 126th 61834
General Assembly. Section 4115.04 of the Revised Code is presented 61835
in this act as a composite of the section as amended by both Sub. 61836
H.B. 443 and Am. Sub. H.B. 699 of the 126th General Assembly. 61837
Section 5107.05 of the Revised Code is presented in this act as a 61838
composite of the section as amended by Am. Sub. H.B. 283, H.B. 61839
471, and Sub. S.B. 245, all of the 123rd General Assembly, and Am. 61840
Sub. H.B. 66 of the 126th General Assembly. Section 5705.31 of the 61841
Revised Code is presented in this act as a composite of the 61842
section as amended by both Sub. H.B. 129 and Am. Sub. S.B. 5 of 61843
the 124th General Assembly. Section 5748.01 of the Revised Code is 61844
presented in this act as a composite of the section as amended by 61845
both Sub. H.B. 73 and Am. Sub. H.B. 699 of the 126th General 61846
Assembly. Section 5748.02 of the Revised Code is presented in this 61847
act as a composite of the section as amended by both Am. Sub. H.B. 61848
3 and Am. Sub. H.B. 530 of the 126th General Assembly. Section 4 61849
of Am. Sub. H.B. 516 of the 125th General Assembly is presented in 61850
this act as a composite of the section as amended by both Am. Sub. 61851
H.B. 66 and Sub. S.B. 124 of the 126th General Assembly. 61852

The finding in this section takes effect at the same time as 61853
the section referenced in the finding takes effect. 61854

Section 824.03. The General Assembly, applying the principle 61855
stated in division (B) of section 1.52 of the Revised Code that 61856
amendments are to be harmonized if reasonably capable of 61857
simultaneous operation, finds that the following sections, 61858
presented in this act as composites of the sections as amended by 61859
the acts indicated, are the resulting versions of the sections in 61860
effect prior to the effective date of the sections as presented in 61861
this act: 61862

Section 109.572 of the Revised Code as amended by both Am. 61863
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 61864

Section 111.18 of the Revised Code as amended by both Am. 61865
Sub. H.B. 94 and Am. Sub. S.B. 74 of the 124th General Assembly. 61866

Section 323.153 of the Revised Code as amended by both Am. 61867
H.B. 595 and Am. Sub. H.B. 672 of the 123rd General Assembly. 61868

Section 2921.42 of the Revised Code as amended by both Sub. 61869
H.B. 150 and Am. Sub. H.B. 285 of the 120th General Assembly. 61870

Section 3301.0714 of the Revised Code as amended by Am. Sub. 61871
H.B. 79, Am. Sub. H.B. 137, Am. Sub. H.B. 276, and Am. Sub. H.B. 61872
530 of the 126th General Assembly. 61873

Section 3314.014 of the Revised Code as amended by both Am. 61874
Sub. H.B. 79 and Am. Sub. H.B. 276 of the 126th General Assembly. 61875

Section 3314.03 of the Revised Code as amended by Am. Sub. 61876
H.B. 79, Am. Sub. H.B. 137, Sub. H.B. 184, Am. Sub. H.B. 276, Sub. 61877
H.B. 422, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 311 61878
of the 126th General Assembly. 61879

Section 3317.03 of the Revised Code as amended by both Am. 61880
Sub. H.B. 79 and Am. Sub. H.B. 699 of the 126th General Assembly. 61881

Section 4115.04 of the Revised Code as amended by both Sub. 61882
H.B. 443 and Am. Sub. H.B. 699 of the 126th General Assembly. 61883

Section 5107.05 of the Revised Code as amended by Am. Sub. H.B. 283, H.B. 471, and Sub. S.B. 245, all of the 123rd General Assembly, and Am. Sub. H.B. 66 of the 126th General Assembly.	61884 61885 61886
Section 5705.31 of the Revised Code as amended by both Sub. H.B. 129 and Am. Sub. S.B. 5 of the 124th General Assembly.	61887 61888
Section 5748.01 of the Revised Code as amended by both Sub. H.B. 73 and Am. Sub. H.B. 699 of the 126th General Assembly.	61889 61890
Section 5748.02 of the Revised Code as amended by both Am. Sub. H.B. 3 and Am. Sub. H.B. 530 of the 126th General Assembly.	61891 61892
Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly as amended by both Am. Sub. H.B. 66 and Sub. S.B. 124 of the 126th General Assembly.	61893 61894 61895
The finding in this section takes effect at the same time as the section referenced in the finding takes effect.	61896 61897
Section 824.06. Sections 340.03 and 5119.611 of the Revised Code are amended by this act and also by Am. Sub. H.B. 699 of the 126th General Assembly, effective July 1, 2007. The amendments of Am. Sub. H.B. 699 are included in this act but are not intended to be effective until July 1, 2007.	61898 61899 61900 61901 61902